

NEWRY MOURNE AND DOWN DISTRICT COUNCIL

**Minutes of Special Council Meeting held on Monday 28 September 2015 at
6.00pm in the Mourne Room Downshire Civic Centre Downpatrick**

Chairperson: Councillor N Bailie

In Attendance: Councillor T Andrews
Councillor P Brown
Councillor S Burns
Councillor M Carr
Councillor C Casey
Councillor W Clarke
Councillor G Craig
Councillor D Curran
Councillor G Donnelly
Councillor S Ennis
Councillor C Enright
Councillor G Fitzpatrick
Councillor G Hanna
Councillor V Harte
Councillor H Harvey
Councillor T Hearty
Councillor D Hyland
Councillor L Kimmins
Councillor M Larkin
Councillor K Loughran
Councillor D McAteer
Councillor K McAteer
Councillor C McGrath
Councillor H McKee
Councillor R Mulgrew
Councillor M Murnin
Councillor P O Gribin
Councillor B O Muiri
Councillor B Quinn
Councillor G Stokes
Councillor H Reilly
Councillor M Ruane
Councillor J Tinnelly

Officials in Attendance:	Mr L Hannaway	Chief Executive
	Mr A McKay	Head of Planning
	Ms J McParland	Senior Planning Officer
	Ms H McKee	Community Planning Manager
	Mr P Green	Legal Officer
	Ms E McParland	Democratic Services Manager
	Ms C McAteer	Democratic Services Officer
	Ms L Dillon	Democratic Services Officer

Also in Attendance:

NIHE

Mr T McCartney	Director of Corporate Services
Mr O McDonnell	Area Manager (Acting) South Down
Ms L Wilson	Area Manager
Ms P Aitken	Regional Planning
Ms P Warnock	Regional Planning
Mr S Semple	Strategic Planning

ABO Wind

Ms T Frazer	ABO Wind
Mr I Cummings	26 Extreme

Mourne AONB Against Wind

Mr C McGreevy

Hilltown Community Association

Mrs M Byrne

APOLOGIES

The following apologies were received:

Councillor L Devlin
Councillor B Walker
Councillor D Taylor

**PRESENTATION – HOUSING EXECUTIVE
RE: HOUSING INVESTMENT PLAN**

Mr McCartney delivered a presentation on the (HIP) Housing Investment Plan for Newry, Mourne & Down District area.

Ms L Wilson presented the Housing Executive Investment section contained within the Housing Investment Plan.

Discussion

Discussion followed on the HIP during which the following issues were raised:

How many Housing Associations are based in the Newry Mourne & Down District?

Quite a few Housing Associations are active in the Newry Mourne & Down District. However whilst most of the Housing Associations are represented in the area, they do not have an administrative base within the District.

Housing Associations do not appear to be keeping up with housing demand.

The Housing Executive does not have responsibility for building housing. However NIHE Regional Services facilitate Housing Association developments through land assembly involving land acquisition, planning and feasibility studies and transfer of Housing Executive land.

Issues regarding kitchen replacements in Kilkeel.

Councillor Reilly to email Housing Executive regarding a question about kitchen replacements in Kilkeel.

If refugees were to be brought into the District would they be given priority for housing over people who were already in housing need?

A multi-agency approach was on-going which would look at housing refugees if a situation arose whereby refugees would be brought into the area.

Clarification on the level of finance used by Housing Associations for building dwellings and the level of finance used for their administrative costs.

Housing Executive would not be aware of this financial breakdown. The Department for Social Development would hold this information as part of their governance regulations.

Is Housing Executive still the umbrella agency for Housing Associations?

The Housing Executive are not the umbrella agency for Housing Associations. This is the role of NIFHA (Northern Ireland Federation of Housing Associations). The Housing Executive, through its Regional side determines housing need to assist Housing Associations in their new build programme. Regulation for Housing Associations lies solely with the DSD.

Where one section of the community is identified as being in housing need, do the Housing Executive attempt to house people within their respective communities?

Housing allocations are made on the basis of a housing selection scheme which ensures fairness in allocations.

When can Councillors expect to see a draft version of the Housing Investment Plan?

The Draft Housing Investment Plan has already been issued and Councillors should have received a copy. If any Councillor has not received a copy they should contact the Housing Executive and a copy will be provided.

Many people are finding the process of applying for grants for heating/insulation/windows very difficult and frustrating, especially elderly people – can this process be made easier? Have Housing Executive any targets to meet in terms of carrying out these works or is it a case of available funds?

Where the tenant belongs to the Housing Executive such works are carried out via the Planned Maintenance Scheme.

In the case of a relationship breakup where one parent may find themselves without accommodation, are these cases assessed to ensure accommodation is provided to enable the parent to have access to their children?

In the case of a marriage breakdown where there are children involved, priority cannot usually be awarded to both parents. Priority is awarded to the parent who gets custody of the children. In the case of the other parent, account can be taken of access to the children and an additional room will be allowed for that overnight access.

What arrangements are made where people wish to downsize their accommodation?

Housing Associations are encouraged to ensure that 20% of their new build consists of one bedroom dwelling in their annual programme.

Concerns regarding security issues in communal housing where the vulnerable people are having their homes attacked. (Particular reference was made to recent arson attacks in Newcastle)

Housing Executive have a Supporting People Programme which receives funding in the sum of £74million per year – as part of this programme a large piece of work is being done to address a range of issues including antisocial problems.

The Housing Executive has worked closely with the Council and other statutory agencies regarding antisocial problems. Residents are being asked to be vigilant although further works is needed by way of a joined up approach in terms of improving security in estates.

Housing Executive need to ensure people with disabilities are housed in appropriate types of accommodation.

Housing Executive are working with Housing Associations to identify how many adaptations are needed in order to plan for the future housing needs of people.

Concerns regarding problems with double glazing which has created an air tight home, leading to problems associated with lack of ventilation.

Housing Executive will seek further detail from Councillor D McAteer and have this issue followed up.

Conclusion:

Mr Semple explained the Housing Executive were keen to work with the Council in identifying needs for social and affordable housing and he asked the Council to consider this as part of the preparation of the Area Plan.

Councillor Bailie thanked the representatives from Housing Executive for attending the meeting.

Councillor Carr left the meeting at this point – 6.45 pm.

DECLARATIONS OF INTEREST

Councillor Bailie advised that Councillor Carr had submitted a “perceived declaration of interest” in relation to planning application P/2015/0218/F for the proposed wind-farm at Hilltown and had therefore left the meeting.

PRESENTATION – ABO WIND RE: PLANNING APPLICATION – P/2015/0218/F PROPOSED WIND FARM HILLTOWN

Tamasin Fraser, Head of Development NI, Abo Wind, gave a presentation on the proposed Gruggandoo Wind Farm (**Presentation circulated**). She said that Ian Cumming, 26 Extreme, intended to give a short speech supporting the wind-farm and she had also been accompanied by a local landowner who proposed to speak in support of the application.

It was noted that due to allocated time slots being exceeded, Mr Cumming and the local landowner did not address the meeting.

PRESENTATION – MOURNE AONB AGAINST WIND FARMS RE: PLANNING APPLICATION – P/2015/0218/F PROPOSED WIND FARM HILLTOWN

Mr Connaire McGreevy gave a presentation on behalf of Mourne AONB Against Wind Farms and spoke on a number of key points of concern about the proposed wind farm. (**Presentation and key note speech circulated**).

PRESENTATION – HILLTOWN COMMUNITY ASSOCIATION RE: PLANNING APPLICATION – P/2015/0218/F PROPOSED WIND FARM HILLTOWN

Mrs Martina Byrne gave a presentation on behalf of Hilltown Community Association and spoke on a number of key points of concern about the proposed wind farm. (**Presentation and key note speech circulated**).

Question and Answer Session

A question and answer session followed during which Members raised the following issues:-

- The Council's Planning Department were saying that this planning application was contrary to a number of planning policies including PPS 2 and PPS 18. Could Abo Wind comment?
- There was a recommendation in the Mourne National Park Report that this area of the Mourne National Park was suitable for renewable energy wind-farms and yet none of the speakers mentioned this.
- Abo Wind to clarify how the community will benefit from the proposed Community Fund; how it will be set up and how it will be delivered.
- Reference to a Council meeting with the Chief Executive of Donegal County Council – clarification on his comments that the rates income from wind-farms made a very substantial contribution to the Council's rates income.
- Reference to opposition to wind-farms on the basis that they are a subsidised form of renewable energy – there is an over reliance on wind farms and there was no saving for the environment in real terms.
- The National Park Report was totally rejected by the Mourne Community.
- If Abo Wind have already been approached by groups regarding the community fund, Councillors should be made aware of who the groups are – this has the potential to set groups in the community against each other.
- Donegal County Council made it clear that they would not allow wind-farms in areas if it would have a detrimental effect on tourism.
- Green energy taxes would be imposed on businesses to pay for wind-farm energy.
- Concern about the impact of any proposed wind-farm on the property value of nearby houses – will they be compensated if house prices fall?
- Are there any other areas in Northern Ireland where large wind-farms have been built in an AONB or designated area?
- Is there any evidence to show how wind-farm developments affect tourism?
- The Abo presentation mentioned supporting 17 local families – is this separate to the Community Investment Fund?
- Has Abo considered providing an upgrade to the rural broadband in the area whilst they would be upgrading cabling etc?
- Are there any examples of wind-farms being dismantled after their 25 year life had expired and would a bio diversity project be carried out to enhance the area after the Company left the site?
- Disappointment that the local community association had indicated their lack of satisfaction at any community engagement.
- Are the "below ground" structures removed after the Company leaves the site and if not, what long term effects might there be on the environment and wildlife?
- Confirmation sought that any electricity generated would enter the NIE grid at the sub-station at Monkshill, Newry and also how the electricity would be supplied to the sub-station i.e. via standard electricity poles and lines or underground cabling?

- How was the criteria for the £500 energy discount worked out and could this criteria be extended to take in more of the community?
- Could the Company gave examples of similar installations in Europe where there were positive outcomes; negative experiences and/or both?
- Why does the planning application show the red line boundary running to the Newry side of Warrenpoint?

The following responses were given by Tamasin Fraser, Abo Wind; Connaire McGreevy Mourne AONB Against Wind Farms and Martina Byrne, Hilltown Community Association:-

- Tamasin Fraser – the Banbridge/Newry and Mourne Area Plan refers to a Special Countryside Policy Area designation which would allow a wind-farm site in this area as there is a premise of development if it is of regional significance. This planning application was being determined as an Article 31 application which means that it has to be considered by the DoE as it is regionally significant.
- Tamasin Fraser – PPS18 is the Renewable Energy Policy and there is a presumption in favour of development if there is a social, economic and environmental benefit to the area.
- Martina Byrne– given the short time frame for the delivery of presentations, the Community Group wanted to give a good flavour of all the current issues – they were fully aware of the comment made in the National Park Report.
- Tamasin Fraser – Abo also aware of the National Park Report but it is not a current designation.
- Tamasin Fraser – there are various ways the Community Fund can be delivered – nothing is set in place and this will be something which will be worked through. For example a Committee could be set up in the local area which could receive, assess and disseminate funds. If the Community Group had any particular issues of interest Abo Wind would be more than happy to hear from them.
- Martina Byrne– Hilltown Community Association would like to know more details about the Community Investment Fund – how is it going to be operated; what is the definition of “community” and will it extend beyond the Hilltown area?
- Connaire McGreevy – the issue of a potential fall in the property values of homes in the vicinity of a wind-farm had been mentioned in his keynote speech – case of Julian and Jane Davis, England and email details of this can be sent to Councillors.
- Tamasin Fraser – an article by RACS – they reviewed a number of articles and did not find any conclusive impact on property values – the case referred to by Mr McGreevy involved other specific issues.
- Tamasin Fraser - The ROCs (Renewable Obligations Certificate) was due to end in 2016 in England and soon after in Northern Ireland – wind-farms would not therefore be a subsidised form of renewable energy.
- Tamasin Fraser – There was another wind-farm in County Derry and also in County Tyrone. Wind farms have a finite life time and are only operational for 25 years. After that period all operations stop and all above

ground structures are removed, although normally landowners like to retain the laneways which have been created.

- Connaire McGreevy – A plan for 8 turbines in Tyrone was refused planning permission last year due to the adverse impact on the visual amenity of the area. In Scotland research had shown that wind-farms were putting off tourists and there was research to support this, which he could forward to Members.
- Tamasin Fraser – Abo was very conscious of the impact on tourism and had engaged fully with the Mourne Heritage Trust and also the Council's Tourist Officers. The information pack which she had distributed at the beginning of the meeting gave a flavour of the key views of the site and a full suite of images were available with the planning application.

Councillor Hyland and Councillor K McAteer left the meeting at this point – 7.40 pm.

- Tamasin Fraser – the Community Fund was entirely separate from the support proposed for the 17 local families. The level of the Community Fund was dictated by Ministers in Northern Ireland with a recommended level of £1k-£5k per megawatt. Abo Wind had given a commitment to the upper end of the scale and they were very keen to hear from local organisations on their views as to how this fund could be disseminated (£190k per annum for the 25 year lifetime of the project). They were also keen to engage with the Council to make sure that local people and local projects benefitted.
- Tamasin Fraser – Abo Wind were keen to explore any possibilities for the potential to upgrade broadband in the area. They would also carry out a full assessment by experts on a biodiversity; wildlife and habitat management programme.
- Tamasin Fraser – Abo Wind had agreed to meet with the Community Association on two separate occasions but each of these meetings had been cancelled. A further meeting was scheduled for 22 October 2015. Tonight was the first time she had heard of the Mourne AONB Against Wind Farms Group, but she would be happy to engage with them.
- Tamasin Fraser – the decommissioning aspect of the operation was covered by the environmental statement – generally the Company found that landowners wanted to retain any laneways etc. The process for decommissioning required a full habitat management scheme to be put in place when the life of the wind farm has completed. Underground structures are not removed but are soiled and seeded over.
- Tamasin Fraser - If planning permission is achieved for the wind-farm, electricity generated would be fed into the Sub Station at Monkshill Road, Newry, as directed by NIE. NIE will dictate how the electricity is carried, either by standard poles or underground cabling and NIE will have their own process of negotiations with landowners if this is necessary.
- Martina Byrne– the Community Association had not been successful in engaging with Abo Wind until they were approached by Margaret Ritchie MLA on 1 July 2015. Through her office two meetings were set up but subsequently had to be cancelled. A meeting would now be held on 22 October 2015.

- Martina Byrne– expressed concerns that Abo Wind were a subsidiary group of a Parent Organisation. What would happen to the structures at the end of their lifetime if the Group had insufficient funding to remove them?
- Tamasin Fraser – Abo Wind is a subsidiary of a Company who had a full financial commitment to the project for the lifetime of the project.
- Tamasin Fraser – the 1.5k criteria for homes which would be entitled to an energy discount had been agreed following a public consultation event (to be applied to homes 1.5k from the outer diameter of each site). Abo Wind had written to every household in the area which fell within this category and 95 homeowners had expressed an interest in the scheme.
- Martina Byrne– this scheme had not been made public to the residents of Hilltown. The letters from Abo Wind had been addressed to key residents of the area, some residents who would be living beside the proposed wind turbines had not been included.
- Tamasin Fraser – referred to a wind farm in Derry which had been built in a designated area – it is now listed as a tourist attraction on the Council's website.
- Connaire McGreevy – having visited a wind farm in Scotland it was his view it was quite divisive in the Community – he would try and get more information on this to forward to Councillors.
- Tamasin Fraser – Abo Wind has various wind-farm projects in Germany and specifically in the Bavarian region which is an area of special scenic beauty. She said she would put together some examples and forward these to Councillors.
- Tamasin Fraser – the boundary site marked in red on the application took into account the “haul route” – how to get to the site and any road improvements required and how the Company would get the components to the site.

REPORT FROM PLANNING DEPARTMENT

RE: DRAFT RESPONSE TO PLANNING APPLICATION – P/2015/0218/F

Read: Draft Response from Planning Officers on planning reference P/2015/0218/F - **Proposal:** Construction of a wind farm comprising 12 no. wind turbines (tip height not exceeding 125 metres), and electrical substation and control building, construction of internal access tracks, spoil deposition areas, temporary construction compound, formation of passing bays on Mullaghgarraiff Road, delivery route improvements at Rostrevor Road, junction improvements at Rostrevor/Mullaghgarraiff Road and all associated ancillary works. **Site Location:** Lands approximately 650m south west of 40 Mullaghgarraiff Road, Newry in the townlands of Gruggandoo Grugganskeagh and Mullaghgarve BT34 5LT.

The report recommended that given the information currently on the Planning Portal in relation to this application, the Council Planning

Department would recommend to the Council that this proposal would be contrary to RE 1 of PPS 18, CTY 1 of PPS 21, NH6 of PPS 2, TSM 8 of PPS 16, Policy COU 1 of the Banbridge/ Newry and Mourne Area Plan and possibly depending on whether further information is provided in relation to the latest response from Natural Environmental Divisions comments policies NH 2 and NH 5 of PPS 2. **(Report circulated).**

Ms J McParland advised the reason DoE Headquarters was dealing with this planning application was that it met the major threshold under The Planning (Development Management) Regulations 2015.

Councillor Hanna left the meeting at 8.00 pm.

Councillors O’Gribin, W Clarke and S Burns left the meeting at 8.10 pm.

Mr Green, Legal Advisor, confirmed that this was a Major Development prescribed for the purpose of Section 26 (1) of the Planning Act (Northern Ireland) 2011 and therefore would be determined by the DoE. The Council were Statutory Consultees on this application. He said Members of the Planning Committee could discuss the application and comment on it as long as they retained an open mind and their position did not pre-determine any future renewable energy applications.

A detailed discussion followed on the report during with the Planning Officers advised that the consultation response from the Council had to be submitted by Friday 2 October 2015.

Planning Officers responded to a number of queries raised by Members in terms of information on LCA 72 Slieve Roosley Document, referred to in the Planning Officer’s report and the importance of the Planning Officers giving weight not just to the visual impact on the landscape but also the 5 priorities contained in the Sustainable Development Strategy to promote sustainable energy development.

Mr McKay advised that in dealing with this planning application, Planning Officers had taken account of all relevant policies. He said Northern Ireland was divided into a number of Landscaped Character Areas but the area proposed in this application was sensitive to wind-farm development – if there was a wind-farm it would have quite a damaging visual impact, as the area did not have the capacity to absorb wind farm development. He said in terms of the size of development, this proposal was at the upper end of the scale and would be visible over a wide area.

Councillor Reilly proposed and Councillor O’Muiri seconded that the Council accept the recommendations outlined in the report presented by Planning Officers and recommend this report and recommendations to the Planning Committee as the Council’s corporate response to planning application P/2015/0218/F – proposed wind farm at Hilltown.

The proposal was put to a recorded vote and voting was as follows:-
(Recorded Vote attached)

For:	11
Against:	1

Abstentions: 9
Absent: 20

AGREED: The proposal was declared carried and it was agreed that the Council accept the recommendations outlined in the report presented by Planning Officers and recommend this report and recommendations to the Planning Committee as the Council's corporate response to planning application P/2015/0218/F – proposed wind farm at Hilltown.

During the vote Members indicated the following:-

- Councillor Bailie – voted for the proposal on the basis of the information provided in the Planning Officer's Report.
- Councillor Craig – abstained as he was concerned that as a Member of the Planning Committee it could be perceived that he was taking a position on wind farms generally.
- Councillor Enright – voted against the proposal on the ground of what he believed were errors contained in the Planning Officer's advice.
- Councillor Fitzpatrick – abstained on the basis of the short time in which she had received the information and her lack of understanding of the information.
- Councillor Harte - voted for the proposal on the basis of the information provided in the Planning Officer's Report.
- Councillor Larkin - voted for the proposal on the basis of the information provided in the Planning Officer's Report.
- Councillor Ruane - voted for the proposal on the basis of the information provided in the Planning Officer's Report. He also received clarification that the decision did not exclude Members of the Planning Committee from making decisions on future wind farm planning applications.
- Councillor Stokes – voted for the proposal on the basis of the information provided in the Planning Officer's Report. He was not against wind turbines per se.

There being no further business the meeting ended at 8.45 pm.

For confirmation at Council Meeting to be held on Monday 2 November 2015.

Signed: _____ Chairperson

Signed: _____ Chief Executive

NEWRY, MOURNE & DOWN DISTRICT COUNCIL
RECORDED VOTE

DATE: 28.9.2015 VENUE: Mourne Room, Downshire Civic Centre

MEETING: Special Council Meeting

SUBJECT OF VOTE: Councillor Reilly proposed and Councillor O'Muirí seconded that the Council accept the recommendations outlined in the Report presented by Planning Officers and recommend this Report and recommendations to Planning Committee as the Council's Corporate response to Planning Application P/2015/0218/F – proposed wind farm at Hilltown

COUNCILLOR	FOR	AGAINST	ABSTAIN	ABSENT
T Andrews				√
N Bailie	√			
P Brown			√	
R Burgess				√
S Burns				√
M Carr				√
C Casey	√			
P Clarke				√
W Clarke				√
G Craig			√	
D Curran				√
L Devlin				√
G Donnelly				√
S Doran				√
S Ennis	√			
C Enright		√		
G Fitzpatrick			√	
G Hanna				√
V Harte	√			
H Harvey				√
T Hearty				√
D Hyland				√
L Kimmins	√			
M Larkin	√			
K Loughran			√	
D McAteer			√	
K McAteer				√
C McGrath				√
H McKee			√	
R Mulgrew	√			
M Murnin			√	
P Ó Gribin				√
B Ó Muirí	√			
B Quinn			√	
H Reilly	√			
M Ruane	√			
G Sharvin				√
G Stokes	√			
D Taylor				√
JJ Tinnelly			√	
B Walker				√
TOTALS	11	1	9	20