



October 15th, 2018

**Notice Of Meeting**

You are invited to attend the Regulatory and Technical Services Committee Meeting to be held on **Wednesday, 17th October 2018 at 6:00 pm** in the **Boardroom, Monaghan Row, Newry.**

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


**Chair: Councillor C Casey**

**Deputy Chair: Councillor J Rice**

<b>Members:</b>	<b>Councillor Andrews</b>	<b>Councillor W Clarke</b>
	<b>Councillor G Craig</b>	<b>Councillor D Curran</b>
	<b>Councillor G Fitzpatrick</b>	<b>Councillor L Kimmins</b>
	<b>Councillor J Macauley</b>	<b>Councillor M Ruane</b>
	<b>Councillor G Stokes</b>	<b>Councillor D Taylor</b>
	<b>Councillor J Trainor</b>	<b>Councillor H Harvey</b>
	<b>Councillor A McMurray</b>	

# Agenda

- 1.0 Apologies and Chairperson's remarks.
- 2.0 Declarations of "Conflicts of Interest".
- 3.0 Action sheet of the Regulatory and Technical Services Committee Meeting held on Wednesday 22 August 2018. (Attached).

 *Action Sheet (22 August 2018).docx*

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## *For Consideration and/or Decision*

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- 4.0 Neighbourhood Services Project Highlight Report. (Attached).

 *Report - NS Project Highlight.pdf*

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- 5.0 Memorandum of Understanding Partnering Arrangements for the removal of snow and ice from town centre footways and pedestrian areas. (Attached).

 *Report - re. Memorandum of understanding partnering arrangements.pdf*

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## *Building Control and Licensing*

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- 6.0 6 month report for Building Control and Regulation. (Attached).

 *Report - 6 month report for BC and Regulation.pdf*

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- 7.0 Car Park Review update. (Attached).

 *Car Park Tariff Review -Update.pdf*

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## *Planning*

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- 8.0 Current appeals August 2018. (Attached).

 *Planning Appeals and Decisions August 2018.pdf*

Page 109

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

 *Record of meetings - September 18.pdf*

Page 154

**10.0 Planning Committee Performance Report- August 2018.  
(Attached).**

[AUGUST 2018 Planning Committee Performance Report.pdf](#)

Page 155

**11.0 Current Appeals - September 2018. (Attached).**

[PlanningAppeals- Sept2018.pdf](#)

Page 161

**12.0 Record of meetings between Planning Officers and Public  
Representatives 2018-2019 - October 2018. (Attached).**

[Record of meetings-Oct18.pdf](#)

Page 195

**13.0 Register of Contacts July-September 2018. (Attached).**

[Register of Contacts Q2 July-Sept 2018.pdf](#)

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**14.0 Planning Committee Performance Report - September 2018.  
(Attached).**

[Planning Performance Report -Sept18.pdf](#)

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*Facilities Management and Maintenance*

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**15.0 Report re: request from Ulster Wildlife to allow culling of grey  
squirrels on Council owned land. (Attached).**

[Report- Request from Ulster Wildlife to allow culling of grey squirrels.pdf](#)

Page 206

**16.0 Report re: update on proposal to provide local communities  
with an environmentally sustainable option of planting  
Christmas trees. (Attached).**

[Report - Update Report on Sustainable Christmas Trees.pdf](#)

Page 208

**17.0 Report re: structural condition of steps at South Promenade,  
Newcastle. (Attached).**

[Report - Structural condition of steps at South Promenade Newcastle.pdf](#)

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**18.0 Report re: bus shelter at Cloughreagh Park, Bessbrook.  
(Attached).**

[Report - Bus Shelter Requests for Cloughreagh Park, Bessbrook.pdf](#)

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## Waste Management

### 19.0 To consider Minutes of Waste Strategy Working Group Meeting held on 22 August 2018. (Attached).

[Report - SWWG of 22 August.pdf](#)

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### 20.0 Verbal update re: temporary closure of Warrenpoint Household Recycling Centre.

## Correspondence Received

### 21.0 Letter dated 20 September 2018 from NIEA re: illicit dumping/fly-tipping. (Attached).

[Letter from NIEA re Illicit Dumping Fly Tipping.pdf](#)

Page 223

### 22.0 Letter dated 28 September 2018 from DFI re: Clanrye River. (Attached).

[Letter from DFI re Clanrye River.pdf](#)

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### 23.0 Letter dated 27 September 2018 from DFI re: weed-spraying in the Newry, Mourne and Down area. (Attached).

[Letter from DFI re Weed spraying.pdf](#)

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## For Noting

### 24.0 Scheme of Delegation report from 1 April 2018 to 30 September 2018. (Attached).

[SchemeofDelegationReport.pdf](#)

Page 227

### 25.0 Arc21 Joint Committee Members' Monthly Bulletin 30 August 2018. (Attached).

[Arc21 JC 30 August 2018.pdf](#)

Page 231

### 26.0 Arc21 Joint Committee Meeting – Minutes of Thursday 28 June 2018. (Attached).

[ARC 21 JC mtg minutes from 28 June.pdf](#)

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### 27.0 Arc21 Joint Committee Members' Monthly Bulletin 27 September 2018. (Attached).



## **28.0 Arc21 Joint Committee Meeting – Minutes of Thursday 30 August 2018. (Attached).**

📄 *ARC21JointCommitteeminutes30Aug18.pdf*

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## **29.0 Historic Action Sheet. (Attached).**

📄 *Historic Action Sheet RTS 17 Oct 2018.docx*

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

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## **30.0 Report re: charges for collection and disposal of waste at Caravan Sites. (Attached).**

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

📄 *Report - Charges for collection and disposal of waste at Caravan sites.pdf*

***Not included***

## **31.0 Update on Drumnakelly Wind Turbine.**

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

📄 *Report - Wind Turbine at Drumanakelly Landfill Site.pdf*

***Not included***

# Invitees

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

Edwin Newell	<a href="mailto:edwin.newell@nmandd.org">edwin.newell@nmandd.org</a>
Cllr Barra O Muiri	<a href="mailto:barra.omuiri@nmandd.org">barra.omuiri@nmandd.org</a>
Cllr Brian Quinn	<a href="mailto:brian.quinn@nmandd.org">brian.quinn@nmandd.org</a>
Cllr Henry Reilly	<a href="mailto:henry.reilly@nmandd.org">henry.reilly@nmandd.org</a>
Cllr John Rice	<a href="mailto:john.rice@nmandd.org">john.rice@nmandd.org</a>
Cllr Michael Ruane	<a href="mailto:michael.ruane@nmandd.org">michael.ruane@nmandd.org</a>
Cllr Michael Savage	<a href="mailto:michael.savage@nmandd.org">michael.savage@nmandd.org</a>
Mr Kevin Scullion	<a href="mailto:kevin.scullion@nmandd.org">kevin.scullion@nmandd.org</a>
Cllr Gareth Sharvin	<a href="mailto:gareth.sharvin@nmandd.org">gareth.sharvin@nmandd.org</a>
Donna Starkey	<a href="mailto:donna.starkey@nmandd.org">donna.starkey@nmandd.org</a>
Cllr Gary Stokes	<a href="mailto:gary.stokes@nmandd.org">gary.stokes@nmandd.org</a>
Sarah Taggart	<a href="mailto:sarah-louise.taggart@nmandd.org">sarah-louise.taggart@nmandd.org</a>
Cllr David Taylor	<a href="mailto:david.taylor@nmandd.org">david.taylor@nmandd.org</a>
Cllr Jarlath Tinnelly	<a href="mailto:jarlath.tinnelly@nmandd.org">jarlath.tinnelly@nmandd.org</a>
Cllr John Trainor	<a href="mailto:john.trainor@nmandd.org">john.trainor@nmandd.org</a>
Central Support Unit	<a href="mailto:central.support@nmandd.org">central.support@nmandd.org</a>
Cllr William Walker	<a href="mailto:william.walker@nmandd.org">william.walker@nmandd.org</a>
Mrs Marie Ward	<a href="mailto:marie.ward@nmandd.org">marie.ward@nmandd.org</a>

**ACTION SHEET ARISING FROM RTS MEETING HELD ON WEDNESDAY 22 AUGUST 2018**

<b>Minute Ref</b>	<b>Subject</b>	<b>Decision</b>	<b>Lead Officer</b>	<b>Actions taken/ Progress to date</b>	<b>Remove from Action Sheet Y/N</b>
RTS/108/2018	Monthly Action Sheet	<b>In response to a query from Councillor Taylor regarding progress in relation to a previous request to set up a meeting regarding Regen Waste, with local residents etc., Marie Ward, Director, advised this was being co-ordinated by Anthony McKay, Chief Planning Officer, and she would get back to Councillor Taylor with an update.</b>	M Ward	<b>In progress</b>	
RTS/109/2018	Fly tipping	<b>Make contact with Louth Council and Armagh, Banbridge and Craigavon Council with a view to addressing fly tipping in a unified way.</b>  <b>Address enforcement action in conjunction with the NIEA.</b>	R Moore/L Dinsmore	<b>Letters sent to NIEA, ABC and Co. Louth Council requesting to arrange relevant discussion.</b>	N

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
		<p><b>Carry out fly tipping review and market the message of "Zero Tolerance".</b></p> <p><b>Write to the Department raising concerns and requesting prompt action.</b></p>		<p><b>Letter sent and response circulated.</b></p>	
RTS/110/2018	Clanrye River Newry	<p><b>Write to Rivers Agency to ascertain their current position regarding the provision of a weir.</b></p> <p><b>Start discussions on progress on a clean-up of Clanrye River.</b></p> <p><b>Report back to the R&amp;TS Committee when a response has been received from Rivers Agency and consider the establishment of a task force.</b></p>	R Moore	<p><b>Letter sent to Rivers Agency.</b></p> <p><b>Response received and circulated.</b></p>	N
RTS/111/2018	Pedestrianizing a section of Kings Lane, Warrenpoint	<p><b>Authorise Council Officers to submit a formal letter of request to the Department to investigate the possibility of</b></p>	E Newell/G McCurry	<p><b>We are currently liaising with DFI</b></p>	

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
		<p>converting Kings Lane, Warrenpoint into a pedestrian only zone.</p> <p>Warrenpoint Chamber of Commerce and Trade be advised of the Council's intention to formally request that Kings Lane, Warrenpoint be converted into a pedestrian only zone.</p>			
RTS/112/2018	Energy Performance of Buildings (EPB) Audit Report	<p><b>Authorise Council Officers to fully implement the EPB Enforcement Procedure to include Penalty Charges Notices where non-compliance was identified. This would be preceded by two information sessions, one in Newry and one in Downpatrick, which the Council would facilitate for Estate Agents within out District supported by the</b></p>	E Newell/G McCurry	<b>Currently liaising with our IT supplier for provision of EPB module.</b>	



Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
		<p>central EPB team from Belfast City Council.</p> <p>At the request of Councillor Craig it was also agreed that quarterly progress reports on Building Control performance be tabled at future Committee Meetings.</p>			
RTS/121/2018	Provision of Sanitary Disposal Bins at Public Conveniences	<p><b>Approve the proposal for 1 No. Sanitary Disposal Bin to be provided in all 31 No. Public Conveniences, with signage provided on the door advising the public. The total cost for the service was £838.24 per annum.</b></p>	K Scullion	<b>In Progress</b>	Y
RTS/122/2018	Proposed extension to Warrenpoint Municipal Cemetery	<p><b>Approve the proposed layout for extension to Warrenpoint Municipal Cemetery.</b></p> <p><b>Approve that work commence to bring this project to tender stage subject to ensuring proposals are in line with</b></p>	K Scullion	<b>In progress</b>	Y

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
		<p>current planning approval.</p> <p>Approve the procurement of technical support if required to complete the final design to tender stage and management of the completion of works on site.</p>			
RTS/123/2018	Proposal to provide to local Communities an environmentally sustainable option of planting Christmas trees	<p><b>Adopt the proposed Terms of Reference as provided in Appendix 3 circulated - Terms of Reference for Expression of Interest Exercise - Sustainable Christmas Tree Pilot Scheme 2018</b></p> <p><b>Purchase 5 No. Christmas trees of the species Abies Nordmanniana at a height of 4.5 metres (from ground level to tip) for planting at five agreed locations.</b></p> <p><b>Council to agree with local communities identified within the report (sites 1 to 7 in Table 1) to taking part in a</b></p>	K Scullion	<p><b>In Progress</b></p> <p><b>An additional 2 no. locations have now been identified.</b></p>	Y






Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
		<p><b>pilot program as per Terms of Reference for Expression of Interest Exercise - Sustainable Christmas Tree Pilot Scheme 2018.</b></p>			
RTS/125/2018	Strategy to address dog fouling	<p><b>Agreed to endorse initial approach to the preparation of a Dog-Fouling Strategy and to approve the proposed 'brand' to be used in all literature and publications associated with the Strategy.(Appendix 1 as circulated at Meeting).</b></p> <p><b>It was also agreed to approve a two-phased approach to the completion of the Strategy, with Phase 1 to provide pictorial 'brand' to all litterbins throughout the District and also to be used in any Dog-Fouling signage erected by Enforcement Officers and Phase 2 to engage with other</b></p>	L Dinsmore	<p><b>Order placed to purchase 'Brand' stickers for placement on litterbins and notices.</b></p> <p><b>Meeting date set for Phase 2 discussions with representatives from other Directorates.</b></p>	N

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
		<b>Directorates to agree a confirmed Dog-Fouling Strategy for recommendation to the Council, target completion end -December 2018.</b>			
RTS/126/2018	Brown Bin Project	<p><b>Agreed that a final call for free issue of brown bins be undertaken, with the intention to discontinue free issue of bins effective from 30 September 2018. Thereafter bins to be recharged at £19, kitchen caddy inclusive.</b></p> <p><b>It was agreed the issue of the purchase of food liners be addressed as part of the Rates Estimates 2019/2020.</b></p>	L Dinsmore	<p><b>E-mail sent to all Councillors to remind them as to initiative.</b></p> <p><b>Notice for final call placed on web-site.</b></p> <p><b>Customer Services notified.</b></p>	Y
RTS/128/2018	Temporary closure of Ballykine Household Amenity Site	<p><b>Closure of the Bann Road Household Recycling Centre on Saturday 25<sup>th</sup> August 2018 9.00am - 12.00 noon, during the</b></p>	L Dinsmore	<b>Complete</b>	Y

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
		<p><b>Mourne Triathlon Event to reduce Health &amp; Safety risk to the public.</b></p> <p><b>It was also agreed that this decision be communicated to the general public.</b></p>			
RTS/129/2018	Temporary closure of Warrenpoint Civic Amenity Site	<p><b>Closure of Warrenpoint Civic Amenity Site for an approximate two week period to facilitate drainage works.</b></p> <p><b>It was also agreed that this decision be communicated to the general public.</b></p>	L Dinsmore	<b>Proposed start date 8 October.</b>	N
RTS/130/2018	Acquisition of Vehicles 2017-2022	<p><b>Agreed that minor additions/deletions made since to the replacement list presented to RTS in April 2018 be approved. (Appendix 1 circulated at meeting).</b></p>	L Dinsmore	<b>Details notified to Transport Management</b>	Y

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
		<b>It was also agreed that future minor changes to replacement list of vehicles for 2018/19 can be made without need for future RTS/Council approvals, subject to individual Business Cases being approved and the final spend not exceeding spend forecast advised in April, i.e. £2,902,467.00.</b>			

<b>Report to:</b>	Regulatory & Technical Services (RTS) Committee
<b>Subject:</b>	Neighbourhood Services Project Highlight Report
<b>Date:</b>	17 October 2018
<b>Reporting Officer:</b>	Roland Moore, Director Neighbourhood Services
<b>Contact Officers:</b>	Roland Moore, Director Neighbourhood Services Johnny McBride, Assistant Director: Community Planning & Performance

<b><u>Decision(s) Required</u></b>					
<b>For Decision</b>	<input checked="" type="checkbox"/> <b>For Noting Only</b> <input type="checkbox"/>				
1.0	<b><u>Purpose &amp; Background</u></b>				
1.1	The purpose of this report is to provide Members with a progress update in relation to the Neighbourhood Services project, as well as to seek agreement to a report of the Member workshop held on the 25 June 2018 and proposed Terms of Reference for the (Elected Member) Neighbourhood Services Working Group.				
2.0	<b><u>Key Issues</u></b>				
	<b>Overall Status</b>				
2.1	<table border="1"> <thead> <tr> <th>Project</th> <th>RAG Status</th> </tr> </thead> <tbody> <tr> <td>Neighbourhood Services</td> <td style="text-align: center;"></td> </tr> </tbody> </table>	Project	RAG Status	Neighbourhood Services	
Project	RAG Status				
Neighbourhood Services					
2.2	Progress is reported using a traffic-light (Red, Amber, Green or RAG) system to indicate the overall status of the project and the progress made since the Member workshop (June 2018). For the purposes of this meeting, progress is reported up to and including the <b>31 August 2018</b> . A similar update was provided to the Efficiency Working Group at its meeting on the 3 September 2018.				
	<b>Elected Member Workshop, 25 June 2018</b>				
2.3	Members will be aware a successful workshop was held in June; the purposes of which was to explore with Elected Members, a potential model for the future design of the Neighbourhood Services Directorate, as well as to consider an overall approach to support the implementation of the project. A report of the workshop is provided at <b>Appendix I</b> for Member approval, whereas a copy of the presentation used at the workshop is provided at <b>Appendix II</b> .				
2.4	Members are asked to note that, as a direct outcome of the workshop, additional work has been undertaken by Officials to further develop the project. This has included establishing the (Officer) Neighbourhood Services Project Board at its inaugural meeting of the 24 August 2018, as well as further exploring the detailed design of the new Directorate.				



	<b>Neighbourhood Services Working Group</b>
2.5	<p>An important enabler for the project is the establishment of the (Elected Member) Neighbourhood Services Working Group. The purpose of this Working Group will be to provide political direction and support to the development and subsequent implementation of the project. Recommended Terms of Reference for this Working Group are attached at <b>Appendix III</b> for Member approval.</p> <p>Please note that advice from Democratic Services indicates that SDLP are entitled to nominate two representatives to this working group.</p>
3.0	<b><u>Recommendations</u></b>
3.1	Approve report of Member Workshop held on 25 June 2018
3.2	Approve Terms of Reference (Amended)
4.0	<b><u>Resource Implications</u></b>
4.1	There are no resource implications contained within this report, however it is highly likely the project will have very significant resource implications for the Council, both in terms of the upfront investment required to support actual service change, as well as the resources needed to support its management. These can only be quantified once the required changes are specified following Elected Member agreement to detailed service design.
5.0	<b><u>Equality &amp; Good Relations Implications</u></b>
5.1	There are no equality and good relations implications arising from this specific report.
6.0	<b><u>Rural Proofing Implications</u></b>
6.1	There are no rural proofing implications arising from this report, however due regard will need to be given to the potential rural implications of the service, once detailed design has been completed.
7.0	<b><u>Appendices</u></b>
	<ul style="list-style-type: none"> <li>▪ <b>Appendix I</b> – report of the Elected Member workshop, 25 June 2018;</li> <li>▪ <b>Appendix II</b> – copy of presentation used at workshop, 25 June 2018; and</li> <li>▪ <b>Appendix III</b> – recommended Terms of Reference for the Neighbourhood Services Working Group</li> </ul>

**DRAFT Report of the Elected Member Neighbourhood Services Workshop,  
25 June 2018, Mourne Room, Downshire Civic Centre, Downpatrick**

**Chairperson:** Councillor C Casey

<b>In Attendance:</b>	Councillor K Loughran	Councillor J MacAuley
	Councillor P Byrne	Councillor D Hyland
	Councillor B Quinn	Councillor Enright
	Councillor G Stokes	Councillor W Clarke
	Councillor G Craig	Councillor M Ruane
	Councillor B Walker	Councillor R Burgess
	Councillor G Hanna	Councillor J Trainor
	Councillor H Reilly	Councillor R Mulgrew
	Councillor C Casey	Councillor T Andrew

Roland Moore, Director: Neighbourhood Services (Acting)  
 Dorinna Carville, Director: Corporate Services  
 Kevin Scullion, Assistant Director: Facilities Management & Maintenance  
 Joe Parkes, Assistant Director: Waste Management  
 Johnny McBride, Assistant Director: Community Planning & Performance  
 Andy Patterson, Assistant Director: Tourism  
 Gail Kane, Head of Facilities Management  
 Gavin Ringland, IT Manager  
 Gerard Byrne, Internal Auditor

### **Workshop Introduction & Purpose**

Mr R Moore advised Members the workshop had been organised for Elected Members to consider and explore a potential model for the future design of the Neighbourhood Services Directorate, as well as to consider an overall approach to support its implementation.

The workshop was required, as the Council had previously agreed to the establishment of a new Neighbourhood Services Directorate in January 2018; since then Council Officers had been researching similar practice elsewhere, as well as considering the potential implications for NMDDC.

Elected Members were provided with a comprehensive presentation, which considered a number of important issues (copy of the presentation is provided at **Appendix A**). The issues raised by Officers were summarised as follows:

- i. **What is Neighbourhood Services?** (this considered the outcomes of research into practice elsewhere, as well as how it had been implemented);
- ii. **What might this look like for NMDDC?** (this considered the potential scope of the model for NMDDC, as well as some of the potential implications for the Council);
- iii. **How can NMDDC approach the transformation?** (this considered important issues such as an appropriate timetable, links with other Council priorities including IT transformation, the importance of employee engagement, as well as establishing appropriate governance arrangements for overseeing the implementation of the project); and

- iv. **Governance arrangements?** (this considered a proposed governance arrangement for how the project would be managed from a political and managerial perspective),

Member feedback and direction was sought on the issues raised, including the proposed governance arrangements for the project. A detailed discussion of the issues raised the following points:

- A requirement for affected employees to buy into the review, and have a meaningful part in its implementation;
- Important that a joined-up approach is developed across all Directorates;
- A requirement for the review to consider efficiency savings but not at the expense of service quality;
- Support for excluding waste collection from the scope of the new Streetscene model as this would be addressed as a separate project; however waste collection would remain a core service of the Neighbourhood Services Directorate;
- The importance of designing a service which is customer-focused;
- A requirement to increase the involvement and participation of local communities;
- The importance of ensuring the general public are kept updated in terms of the changes being made and how they can access services;
- A requirement to harmonise employee terms and conditions to support the implementation of the new service;
- The need for the Council to invest in its people, equipment and resources;
- More information required on how resources were going to be shared-out around across the District; and
- The importance of working collaboratively with the NIHE and Transport NI to support the impact of the new service.

### **Neighbourhood Services Model**

Member likes and dislikes in respect of the model were summarised as follows:

#### **Likes:**

- Grouping similar-type services into neighbourhood-based teams, which would also identify a single point of contact for all neighbourhood-based services in each DEA, as well as the use of generic roles but with a unified management structure;
- Establishment of a “one-stop shop” for all customer service requests (on-line & telephony);
- Establishing formal links with the Council’s DEA structures;
- Increasing community capacity, via education, behaviour change & volunteering) to become much more self-sufficient in addressing local environmental issues;
- Opportunities presented to collaborate with other services and agencies;
- A service tailored to local needs but provided to common standards across the District;
- Potential income opportunities created by providing a charged service to others and / or increased sponsorship; and
- An easily recognised branding of the service



Dislikes:

- Potential structural implications (agreed that in the first instance the scope should be restricted to NS & RTS functions only); and
- More detail required on how service equity issues would be managed across rural and urban areas.

Next Steps

Mr R Moore advised Members of the planned next steps in relation to the development of the project. He referred Members to the early establishment of the (Officer) Project Board, as well further work to scope-out the model in more detail and consider its relationship with other Council priorities. A report of the workshop to be brought back for Member agreement.

Proposed Governance Arrangements

**AGREED:** It was **PROPOSED** by Councillor Walker, **SECONDED** by Councillor Clarke to authorise Officials to work-up more detail in relation to the proposed model and to adopt the proposed governance arrangements for the project as presented.

25-06-18

# Neighbourhood Services Elected Member Workshop

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



Comhairle Ceantair  
an Iúir, Mhúrn  
agus an Dúin

**Newry, Mourne  
and Down**  
District Council



# Welcome

1. Purpose of workshop
2. Desired outcomes
3. Background
4. What is Neighbourhood Services? Feedback session.
5. What may this look like for NMDDC? Feedback session.
6. How can NMDDC approach transformation? Feedback session.
7. Governance arrangements? Feedback session
8. Next steps
9. Close

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## Purpose

**“To explore with Elected Members a preferred Neighbourhood Service model for Newry, Mourne and Down District Council, as well as an overall approach to support its implementation.”**





# Desired Outcomes

- **Understand the need for and the background to the Workshop**
- **Raised awareness of what Neighbourhood Services is and what similar arrangements have been implemented in other Councils**
- **Identify what the guiding principles are for Neighbourhood Services in Newry, Mourne and Down District Council and understand the potential implications**
- **Consider an overall approach and the immediate next steps**



# Background

- **Initial Neighbourhood Services Proposal presented by Interim Director to January RTS with recommendations;**
  - *That Council adopt the principles of the Neighbourhood Services Proposal, with all Directorates to participate and sign-up to the **principles** to be developed, once agreed.*
  - *The Anti-Litter Sub-Committee to be renamed The Neighbourhood Services (Sub-)Committee, with meetings to be held at sufficient frequency to ensure the delivery of the project within timeframe.*





# Background

- **Initial Neighbourhood Services Scope presented to January RTS do not currently rest with NS Directorate**
- **Scope to improve communications with other Directorates**

- 
- Abandoned cars
  - Anti-social Behaviour
  - Bulky Waste
  - Car Parks
  - Cemeteries
  - Council Buildings/Facilities
  - Dangerous Structures
  - Dog Wardens
  - Domestic Waste
  - Environmental Enforcement
  - Fly-Tipping
  - Festival/Christmas Celebrations
  - Ground Maintenance
  - Household Recycling Centres
  - Litter Management
  - Public Conveniences
  - Public Transport Support
  - Transport



# Background

- **The approach for the Neighbourhood Services Transformation Project was presented to April RTS with recommendations;**
  - *Officers continue to undertake research into benchmarking and best practice for the Neighbourhood Services Proposal.*
  - *A workshop be arranged before the end of June 2018 for all Elected Members to help shape the vision and requirements for the new service.*
  - *Members note the indicative delivery framework in Appendix 1 as the proposed approach to the Neighbourhood Services Transformation.*





# Background

- **Since April RTS, Officers have begun the research and benchmarking with a number of organisations including local authorities in England and NI.**
- **Officers have also held a workshop with APSE consultants to understand key factors of Neighbourhood Services, most of which will follow as part of this workshop.**



# Background

## Current Status

- **NS Directorate formed from RTS Directorate in January 2018 with relocation of Planning & Building Control to ERT.**
- **Largest Department is respect of Staff 400+ (over 40% of Council) and Budget of circa £22M (33% of Council).**
- **Deals with many statutory and non-statutory functions**

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# Background

## Existing Scope

### Waste Management

- **Refuse Collection & Disposal**
- **District Cleansing**
- **Fleet Management & Maintenance**
- **Recycling Facilities & Contracts**

### Facilities Management & Maintenance

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





# Background

## Current Issues

- **Current operational practice is mainly based on pre-RPA operations with 2 legacy Councils, particularly in Waste.**
- **Need to develop standard way of working**
- **Need to develop centralised processes**
- **Need to improve operational practices and service efficiencies**
- **Need to improve customer interaction**

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# What is Neighbourhood Services?



## What is Neighbourhood Services?

- **Neighbourhood Services across many Councils are generally the frontline services which many of our customers receive and experience on a daily basis.**
- **It is a generic name for an amalgamation of front-line services.**
- **No definitive list of which services are included.**
- **Means different things to different authorities.**
- **Some or part of the Service can have branded campaign names such as Streetscene, Streetscape, etc.**





# What work is involved in Neighbourhood Services or Street Scene?

**A simple definition**

**Just doing everything that needs to be done**





# What is Street Scene?

## A typical street ?







# What is Street Scene?

## A typical street



## Jobs we do around our own houses

- Cut the grass
- Clear litter
- Weed flower beds
- Mend a fence
- Put the bins out
- A bit of painting



# What is Street Scene?

**Supplemented by more skilled work  
when required**



- Channel sweeping
- Pavement sweeping
- Gully Emptying
- Tree / shrub pruning
- Lawn care
- Rubbish collection





## What tends to be included?

**No set services – varies from council to council – everybody does it different – but majority include ...**

**Grounds  
Maintenance**



**Street  
Cleansing**





# What tends to be included?

And to a lesser extent ...

**Waste  
Collection**



**Building  
Maintenance**





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# What tends to be excluded?

## Cemeteries & grave digging



## Formal Parks



# What are others doing?

- **Looking for efficiencies through amalgamation of frontline services**
  - **Street Cleansing and Grounds Maintenance reported as these are most common**
  - **Refuse collection not as common**
- **Tailoring and focusing services in specific areas or neighbourhoods**
- **Improving engagement and civic ownership with those neighbourhoods**





# What does APSE Data show?

- **Based on APSE Survey**

- Fully integrated *streetscene* service
- Services amalgamated under management but continue to operate independently of each other
- No *streetscene* operation, services continuing to be managed and operate separately



# What does APSE Data show?

## Costs

- **Integrated Services has the highest median cost**
- **HOWEVER - this does not reflect the position that some of the authorities were previously in**

## Quality

- **Integrated Services now has the best cleanliness scores**

## Customer Satisfaction

- **Grounds Maintenance - similar ratings**
- **Street Cleansing – Integrated Services now has highest satisfaction levels**





# Integrated Services

## (experience of other Councils)

### Pros

- **Potential efficiency savings**
- **Economy of scale**
  - Particularly travel time & plant / fuel costs
- **Upskilling / wider skill base**
- **Neighbourhood approach / community involvement**
  - Area / neighbourhood-based working
- **Consistency of standards**
- **“Can do” (everything) approach**
- **Shared resources**
  - Including management & I.T.
- **Better communication**
- **Depot rationalisation**
  - potential for centralisation in some cases
- **Increased pride in work**
- **Increased pool of general operatives for sickness / holiday cover**



# Integrated Services

(experience of other Councils)

## Cons

- **More complex and timely to achieve transformational change**
- **Potential increase in staff costs**
  - **Job evaluation**
- **Perception of “dumbing down” for skilled workers**
  - **(e.g. Gardeners litter picking or loading bins)**
- **Demarcation between professions / tasks**
- **May not be suited to some types authorities**
  - **Seems to work best in semi-urban / semi-rural councils**
- **Increased training costs**
  - **One off costs to increase competences and skills**
- **Competences for new roles**
  - **Are operatives capable of performing more skilled tasks**
- **Raised profile raises customer expectations**
  - **Public perception of quality / potential increase in complaints**
- **Potential staff reductions**
- **Prioritising may leave some services short of operatives**

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# How has it been implemented elsewhere?



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## Integrated Street Scene Services

Grounds Maintenance	Street Cleansing
<ul style="list-style-type: none"> <li>Grass maintenance.</li> </ul>	<ul style="list-style-type: none"> <li>Cleansing of Highway and adjacent verge, amenity planted areas and open grass areas.</li> </ul>
<ul style="list-style-type: none"> <li>Amenity shrub beds (Inc. herbaceous borders &amp; rose Beds).</li> </ul>	<ul style="list-style-type: none"> <li>Litter bin emptying.</li> </ul>
<ul style="list-style-type: none"> <li>Pruning of roses.</li> </ul>	<ul style="list-style-type: none"> <li>Cleansing of gullies.</li> </ul>
<ul style="list-style-type: none"> <li>Seasonal Bedding Displays.</li> </ul>	<ul style="list-style-type: none"> <li>Cleansing of Industrial Estates.</li> </ul>
<ul style="list-style-type: none"> <li>Preparation &amp; maintenance of hanging baskets.</li> </ul>	<ul style="list-style-type: none"> <li>Removal of fly tipped materials from Council owned land and the Highway.</li> </ul>
<ul style="list-style-type: none"> <li>Formal and informal hedge maintenance.</li> </ul>	<ul style="list-style-type: none"> <li>Removal of graffiti and flyposting that is offensive or on a Public Building.</li> </ul>
<ul style="list-style-type: none"> <li>Maintenance of dykes, ditches &amp; watercourses.</li> </ul>	
<ul style="list-style-type: none"> <li>Minor tree works.</li> </ul>	



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# Environment, Roads & Facilities

## The services we provide

- Allotments
- Bereavement Services
- Bridges and Retaining Walls
- Coastal Management, Flood Risk & Land Drainage
- Commercial Recycling & Waste Services
- Consultancy
- Great Orme Tramway
- Green Spaces
- Harbour and Seaboard
- Home to School Transport
- Household Recycling & Waste Services
- Parking
- Public Conveniences
- Response Unit
- Roads and Footpaths
- Street Cleansing
- Street Lighting
- Street Works
- Traffic & Road Safety





# Newcastle-under-Lyme BC

## Streetscene



### About Streetscene

Streetscene provides a co-ordinated approach to maintaining and improving our neighbourhoods - helping to make a real difference to people's lives.

The service pulls together staff from several professions to focus on management of the whole public realm, from parks and communal areas to roads and pavements. Issues range from grass cutting and tree maintenance to tackling graffiti and fly-tipping.

Equipped with the latest digital hi-tech communication and information systems, Streetscene is a modern, well-managed, professional and flexible service.

Our services include those you would expect such as refuse collection, street cleansing and grounds maintenance but they actually form a part of a much wider range of social, cultural and leisure activities.





**Nottingham**

**City Council**

## Neighbourhood Services

- Delivered on a geographical basis
- 3 x Neighbourhood Operations Managers + 9 x Assistant Streetscene Managers
- 21 x Neighbourhood Development Officers – part of Neighbourhood Action Teams (N.A.T.'s) (with representation from police, community protection, Notts Homes as well as Neighbourhood Services)
- 7-day city service to meet demand



## Case Study Research – Derby CC

- **Previous service model** - similar-type services being delivered in the same geographical areas but with different management structures
- **New service model** - similar-type services grouped together in neighbourhood teams but with a single management arrangement
- **Other important changes** – one-stop shop for all customer interaction; increased commercialisation & stronger links with local communities
- **Structure** – single management structure, common service standards, 4 x Area Managers & 4 x neighbourhood teams
- **In-scope Services** – street cleansing, grounds maintenance, refuse collection, fleet management & highways maintenance (now including environmental protection services)
- **Critical success factors** – local community ownership / self-reliance; IT & pay & grading harmonisation



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## Case Study Research –



**Belfast**  
City Council

- **Have spend the last two years developing their City and Neighbourhood Services.**
- **Street scene programme is mainly focused on street cleansing and parks section, with their refuse service operated separately.**
- **Have a good education/awareness programme and enforcement that supports the Street Scene Programme.**
- **Service provision is broken into five geographical areas.**
- **At present still implementing new structure requirements.**





## Feedback Session

- **Do the NMDDC Councillors have enough information to understand what has been undertaken elsewhere?**
- **Has the concept of Neighbourhood Services or *Streetscene* been sufficiently explained?**
- **It is acknowledged that not all examples of amalgamation of frontline services may be replicable in NMDDC**
- **Any other questions or feedback?**

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# What may this look like for NMDDC?



# What may this look like for NMDDC?

## **Service transformations**

*Within the Directorate sits many of the services that effect the environment, some requiring a significant improvement, such as bin collection, street cleansing and public conveniences.*

## **Improved communications**

*Increase visibility and simplify methods for customers to report, request or pay through improved technology*

## **Identify efficiencies through joined up approach**

*Redesign processes to reduce non-value activities and have team based approach to Neighbourhoods*

## **Redefine resources**

*What do we need to deliver this service? People, structure, vehicles, locations, etc?*

## **Managing Performance**

*Adherence to publicised targets and service levels*

## **Engage**

*Encourage ownership of “neighbourhoods” to foster civic pride*









## What may this look like for NMDDC?

- **To consider the principles of the future service, these have been themed in specific and relevant areas;**
  - **Frontline refuse**
  - **Streetscene (Street Cleansing and Grounds Maintenance)**
  - **Customer Focus**
  - **Efficiency and effectiveness**



# What may this look like for NMDDC?

## Frontline refuse

- **Not considered part of Streetscene at this time but key part of overall Neighbourhood Services Department.**
- **Modernised frontline refuse collection practices through improved use of technology i.e. vehicle telemetry and route optimisation.**
- **Improved refuse collection practices whilst maintaining an element of flexible working for frontline staff with revised T&C's.**
- **Feedback?**





# What may this look like for NMDDC?

## Streetscene (Street Cleansing and Grounds Maintenance)

- **Closer working between Street Cleansing and Ground Maintenance to form better and more efficient Neighbourhood Services frontline service.**
- **Undertake review of Street Cleansing and Grounds Maintenance workloads through street cleansing route optimization, review of frequency of cutting, cleansing, litter picking, etc.**
- **Supplement frontline services through peak demands with external support i.e. agency, temporary and contractors.**
- **Feedback?**



# What may this look like for NMDDC?

## Customer Focus

- **Improved customer experience through single contact number and online channel for all customer interaction (complaints, requests for service, etc.) and specifically new clear brand for Neighbourhood Services.**
- **Establish closer links with DEA's with dedicated Neighbourhood Services Officer per DEA for contact and coordination of frontline services (services remain centralised).**
- **Establish and adhere to published service levels for frontline services i.e. missed bins, illicit dumping, street cleansing, bulky collection, etc.**
- **Feedback?**





# What may this look like for NMDDC?

## Efficiency and effectiveness

- **Improved technology for internal processes for Neighbourhood Services i.e. workflow automation.**
- **Increased commercial view on waste contracts, strategy, campaigns, customer engagement and income opportunities.**
- **Potential closer links to for services not currently in NS directorate.**
- **Review of structure to deliver Neighbourhood Services.**
- **Consider use of outlying depots for service delivery.**



## Feedback Session

- **Do Councillors agree with the principles for Waste Management?**
- **Do Councillors agree with the concept of closer working between frontline service and the implications i.e. Streetscene?**
- **Do we agree to improvement customer interaction, Supervisors /Teams focused per DEA and setting service levels for customers?**
- **Do the Council agree with the need for improved use of technology to make the service more efficient and effective?**
- **Should we become more commercially aware/focused?**
- **Should structural implications for the redesign of this service be considered?**
- **Any other questions or feedback?**

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**Break?**





## How can NMDDC approach transformation?

- **Phased approach with realistic timescales.**
- **Key interdependencies across organisation to be identified and need for corporate approach to neighbourhood services transformation with lead partners i.e. IT projects, Marketing/Communications Plan, HR org. development and T&C's, link to DEA's, etc.**
- **Establish communications and engagement strategy from start.**
- **Establish governance and process/programme management controls. Direction with Neighbourhood Service working group, report to RTS.**



## How can NMDDC approach transformation?

- **Establish a Trade Union forum for change.**
- **Need for resources to provide professional advice and manage change i.e. dedicated PM resource.**

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## Feedback Session

- **Do Councillors agree with the suggested approach for transformation?**
- **Any other questions or feedback?**



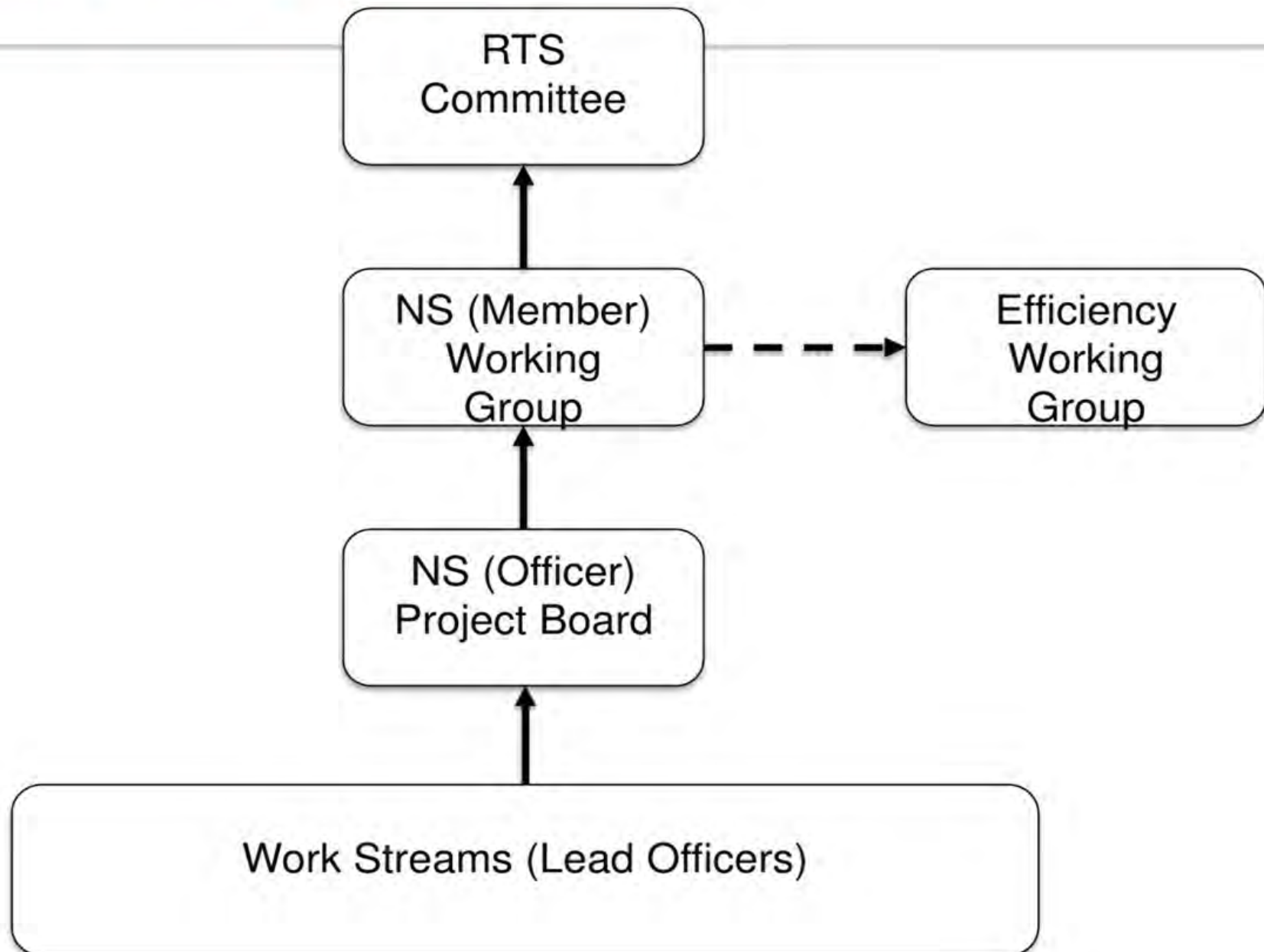


## Governance arrangements?

- **Establish Project Board for Neighbourhood Services Transformation Project with Senior Officers & Project Manager.**
- **Neighbourhood Services Working Group to link with Project Board (6 Cllrs from cross party representation)**
- **Updates from Working Group to Efficiency Working Group for noting and RTS Committee for approval.**
- **Individual work streams scoped and managed by Project Board with Key Officers leading on work streams relevant to their area of business.**
- **Feedback?**

# NS project governance

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## **Feedback Session**

- **Are Councillors content with the suggested approach for Governance arrangements?**
- **Any other questions or feedback?**





## Next steps?

- **Establish Project Board**
- **Identify key interdependencies and risks**
- **Identify Projects, Work Streams and schedule**
- **Determine overall project timeline with prioritised work streams**
- **Develop Engagement & Communications Plan**
- **Implement interim structure to facilitate Business as Usual**
- **Report back in 3-4 months for approval to proceed with detailed project**
- **Feedback?**



## Has Desired Outcomes been met?

- **Understood the need for and the background to the Workshop**
- **Raised awareness of what Neighbourhood Services is and what similar arrangements have been implemented in other Councils**
- **Identify what the guiding principles are for Neighbourhood Services in Newry, Mourne and Down District Council and understood the potential implications**
- **Consider an overall approach and the immediate next steps**

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**Close**

**Liam Hannaway**  
**Chief Executive**

**Thank you**



## Neighbourhood Services Working Group - Terms of Reference

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## Neighbourhood Services Working Group

## Document Reference

<b>Version:</b>	1.0 (DRAFT FOR AGREEMENT)
<b>Report Status:</b>	<ul style="list-style-type: none"> <li>▪ Draft for agreement at RTS Committee, 20 September 2018</li> </ul>
<b>Date Issued:</b>	13 September 2018
<b>Date(s) of Review:</b>	20 September 2018

## Neighbourhood Services Working Group – Terms of Reference

**Purpose**

The purpose of the Neighbourhood Services Working Group (“the Working Group”) is to provide political direction and support to the development and implementation of the Neighbourhood Services project.

The Working Group will be responsible to the Regulatory & Technical Services (RTS) Committee for the successful development and implementation of the project and its constituent activities. This Committee is accountable to Full Council.

**Scope**

The Working Group shall be authorised to and responsible for:

- Providing political direction and support to the implementation of the project, its governance structures, as well as its activities;
- Ensuring the project and its work packages are delivered, and subsequent benefits realised, in accordance with the desired outcomes and objectives of the project;
- Resolving directional issues (i.e. competing aims, competing resources etc.) between in-scope supporting activities;
- Escalating issues, where appropriate, to the Regulatory & Technical Services (RTS) Committee for redress;
- Overseeing the management of the project’s risks;
- Continually monitoring and reviewing the performance of the project (i.e. timetable, cost, quality etc.);
- Overseeing stakeholder communications and engagement; and
- Making recommendations to the Regulatory & Technical Services (RTS) Committee in respect of all aspects to the development, implementation and closure of the project (i.e. project stages, business case approvals, procurement, change requests etc.)

**Methodology**

The project will be managed in accordance with a recognised project management methodology.

## Membership Arrangements

Membership of the Working Group shall be comprised of the following appointed Councillors:

Sinn Fein	C Casey
	W Clarke
SDLP	G Stokes
	Additional nomination
DUP	W Walker
UUP	J Macauley
Smaller Parties/Indp	J Tinnelly

Appointments to this Working Group shall be made at the Annual General Meeting (AGM) of the Council.

The Working Group shall be supported by the Acting Director of Neighbourhood Services, as well as by other senior officials from the Neighbourhood Services Directorate and the Council.

## Frequency of Meetings

A schedule of meetings shall be agreed by the Working Group.

## Secretarial Support & Project Documentation

Secretarial support shall be provided to the Working Group by the Neighbourhood Services Directorate<sup>1</sup>.

An appointed Project Manager shall be responsible for maintaining all project documentation relating to all aspects of the project and the operation of the Working Group.

## Working Group Reports

The Working Group shall be required to maintain an action sheet (where relevant) for all Meetings and submit them to the Regulatory & Technical Services (RTS) Committee for adoption.

The Working Group shall also receive regular progress reports from the (Officer) Neighbourhood Services Project Board. These progress reports shall also be tabled at the Council's Efficiencies Working Group (EWG) meetings for noting.

<sup>1</sup> In the absence of this resource, secretarial support shall be provided on an interim basis by the PA to the Interim Director of Neighbourhood Services.



<b>Report to:</b>	Regulatory & Technical Services Committee		
<b>Subject:</b>	Memorandum of understanding partnering arrangements for the removal of snow and ice from town centre footways and pedestrian areas		
<b>Date:</b>	17 October 2018		
<b>Reporting Officer:</b>	Roland Moore, Director Neighbourhood Services		
<b>Contact Officer:</b>	Roland Moore, Director Neighbourhood Services		
<b><u>Decisions Required</u></b>			
Confirm how this Report should be treated by placing an x in either:-			
<b>For decision</b>		<b>x</b>	<b>For noting only</b>
<b>1.0</b>	<b><u>Purpose &amp; Background</u></b>		
<b>1.1</b>	Review agreement and schedule with the Department of Infrastructure for the clearance of snow and ice from footways during prolonged winter weather.		
<b>2.0</b>	<b><u>Key Issues</u></b>		
<b>2.1</b>	The partnering arrangements between Transport NI and Councils for treatment of snow and ice from busy town centre footways during prolonged periods of wintry weather.		
<b>2.2</b>	When the documents are reviewed and Council are satisfied, the agreement will be extended for a further 12 months in accordance with the 'Scope of the Agreement' Clause 3 and Appendix 1 as amended.		
<b>2.3</b>	As the process of clearing of snow and ice would be carried out by staff redeployed from normal duties subject to availability.		
<b>2.4</b>	The Council may consider clearing of key NMDCC Facilities in addition to those contained within the MOU.		
<b>3.0</b>	<b><u>Recommendations</u></b>		
<b>3.1</b>	It is recommended to approve the proposal and extend for a further 12 months.		
<b>4.0</b>	<b><u>Resource Implications</u></b>		
<b>4.1</b>	It is envisaged that staff costs will be from within existing budgets.		
<b>5.0</b>	<b><u>Equality and good relations implications:</u></b>		
<b>5.1</b>	It is not anticipated that the proposal will have an adverse impact upon equality of opportunity and good relations.		
<b>6.0</b>	<b><u>Rural Proofing implications</u></b>		
<b>6.1</b>	Due regard to rural needs has been considered.		
<b>7.0</b>	<b><u>Appendices</u></b>		
<b>7.1</b>	Communication from DFI.		



Department for

**Infrastructure**

An Roinn

**Bonneagair**[www.infrastructure-ni.gov.uk](http://www.infrastructure-ni.gov.uk)

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**Southern Division**

Mr Roland Moore  
Director, Regulatory & Technical Services  
Newry, Mourne & Down District Council  
Monaghan Row  
Newry  
BT35 3DJ

Marlborough House  
Central Way  
Craigavon  
BT64 1AD

Tel: 03002007892

E-mail:

DFIRoads.Southern@infrastructure-ni.gov.uk

Your Ref:

Our Ref:

Date : 31 August 2018

Dear Mr Moore

**MEMORANDUM OF UNDERSTANDING PARTNERING ARRANGEMENTS FOR THE REMOVAL OF SNOW & ICE FROM TOWN CENTRE FOOTWAYS AND PEDESTRIAN AREAS**

Please find attached a copy of our agreement and schedules for the clearance of snow and ice from footways during prolonged winter weather.

I would be grateful if you could review these documents and, if satisfied, confirm that Newry, Mourne & Down District Council is content for the agreement to be extended for a further 12 months in accordance with the 'Scope of the Agreement' Clause 3.

I understand that you may wish to agree amendments to the Appendix 1 schedules during the 12 month period and confirm that this is acceptable.

Thank you for your assistance and should you have any queries please do not hesitate to contact me.

Yours sincerely

J A HAMILTON  
Network Maintenance Manager

Date: 25 April 2016

**Southern Division**  
Marlborough House  
Central Way  
Craigavon  
BT64 1AD

Canice O'Rourke  
Director, Regulatory and Technical Services  
Newry & Mourne & Down District Council  
Monaghan Row  
Newry  
BT35 8DJ

Telephone: (028) 3834 1144  
Fax: (028) 3834 1867

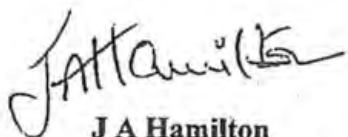
Dear Mr O'Rourke

**MOU OF PARTNERING ARRANGEMENTS BETWEEN DRD  
TRANSPORTNI AND NEWRY, MOURNE & DOWN DISTRICT COUNCIL**

Thank you for your letter dated 1 April 2016 enclosing your updated MOU.

Enclosed please find a signed copy of this agreement for your records.

Yours sincerely

A handwritten signature in black ink, appearing to read 'J A Hamilton', is written over the typed name.

**J A Hamilton**  
Network Maintenance Manager



Newry, Mourne & Down District Council

**Memorandum of Understanding  
Of  
Partnering Arrangements  
between  
DRD TransportNI and District/Borough Councils  
for  
Clearing Busy Town Centre Footways and Pedestrian Areas of Snow and Ice.**

**Introduction**

1. The purpose of this Memorandum of Understanding (MOU) is to set out the basis of partnering arrangements between TransportNI and Councils for the treatment of snow and ice from busy town centre footways during prolonged periods of wintry weather. It is anticipated that footways will generally only be considered for treatment after significant snow or ice events although there may be occasions when footways could be pre-treated if freezing is forecast following heavy rain.
2. It is appreciated that neither TransportNI nor Councils have a statutory obligation to salt footways and are not resourced for this work but under this MOU footway clearance and salt/grit spreading may be undertaken by TransportNI and/or Council staff, depending on resources available at the time.
3. This MOU sets out a broad framework of key principles agreed by the Department for Regional Development (DRD), the Northern Ireland Local Government Association (NILGA) and the Society of Local Authority Chief Executives (SOLACE) to be put forward for consideration and agreement by individual local councils.
4. It is anticipated that these key principles will be specifically tailored at local level, to take account of council preferences/restraints. For example should existing local arrangements between TransportNI Section Offices and local councils be deemed appropriate by all parties, these arrangements can be retained, subject to agreement and to a schedule of work being agreed by all.

## Newry, Mourne & Down District Council

### Objectives

5. The objectives of the Memorandum of Understanding are to:
  - Provide an agreed framework which local offices can build on to formalise the level of service to be provided by each organisation in those areas;
  - Define each organisation's duties and obligations in delivering this service;
  - Establish a schedule of footways to be treated in the event of prolonged periods of wintry weather;
  - Promote an efficient and co-operative working relationship between both organisations.

### The Role and Commitments of TransportNI

6. TransportNI shall lead consultation, ultimately to be agreed by individual councils, on a schedule of main village/ town/ city centre footways to be treated. This is attached as Appendix 1.
7. TransportNI shall lead consultation, ultimately to be agreed by individual councils, when a salting operation should be carried out, on the basis of conditions, weather information and the availability of resources. The rationale supporting this decision making process should be developed locally.
8. TransportNI will provide Councils with salt, or a salt/grit mix, free of charge to treat those footways on the schedule, when required. TransportNI shall confirm the availability of and determine the release of salt or salt/grit mix required; and such availability and its release will be subject to TransportNI resources and it being required by local councils.
9. TransportNI will extend the indemnity being offered to Councils and their authorised agents, as defined in paragraph 14 of this MOU.
10. TransportNI will offer your council an annual service fee of £2683.52, to help with the administration of this service. This service fee is in accordance with the Service Fee scale currently in force.

## Newry, Mourne & Down District Council

### **The Role and Commitments of Councils**

11. During extreme conditions following heavy snowfalls or prolonged freezing council staff may assist the Department with footway clearance and salt/grit spreading on an agreed schedule of footways depending on resource availability at the time.
12. The Council will nominate a representative to be responsible for the council's contribution to the treatment of snow and ice from busy town centre footways during prolonged periods of wintry weather and to attempt to resolve any difficulties or problems that may arise.
13. Councils will assist TransportNI in developing a rationale for when a salting operation should be carried out, on the basis of conditions, weather information and the availability of resources etc.
14. The Council may delegate their responsibilities under this Memorandum in whole or in part to businesses, trading organisations, and community groups ("authorised Council Agents") within their council areas, which are willing to undertake this work. The Council shall be responsible for coordinating and supervising the work of their authorised Council Agents.
15. The Council will work in close liaison with the Department's TransportNI Section Engineer's staff in order to maximise efforts and co-ordinate the deployment of the Department's TransportNI and the Council's workforce, which may comprise both the employees and contractors of the Council, their Trading Organisation Agents and community groups.
16. The Council shall provide sufficient supervisory staff for the personnel employed to carry out the work. Personnel employed to carry include the servants and employees and contractors of the Council and the authorised Council Agents.

### **Legislation**

17. Article 8 of the Roads (Northern Ireland) Order 1993 ("the Roads Order") of the Roads Order imposes a statutory duty to maintain roads (including footways)



## Newry, Mourne & Down District Council

adopted for maintenance by the Department. While TransportNI has no statutory obligation to salt roads Article 9 of the Roads Order provides the Department with the legal right to exercise a discretionary power to take such steps as it considers reasonable and practicable to prevent snow and ice interfering with the safe passage of persons or vehicles using a road.

18. For that purpose it may also enter into agency arrangements with any persons for the treatment of roads affected by snow and ice.
19. The Council is empowered by Sections 104 and 105 of the Local Government Act (NI) 1972 to exercise functions on behalf of and to enter into arrangements with a government department for the supply of services.
20. Under these arrangements TransportNI is prepared to offer Councils the same range of defences that are available to the Department. This indemnity will include groups of traders or community groups operating on the Councils behalf.
21. This means that Councils that enjoy discretionary delegated powers can run the same defences as are available to TransportNI. Councils shall indemnify TransportNI against any claims made against TransportNI arising from allegations of negligence or fault on the part of the Council, their staff, contractors or authorised Council Agents in carrying out work under this MOU.

### **Terms and Conditions of the Memorandum.**


22. The Memorandum shall commence on 1 December 2015 and will remain in force for a maximum period of 3 years. It replaces any previous winter service agreements between TransportNI and the Council.
23. Either DRD TransportNI or the Council may seek amendments to the Memorandum at any time.
24. Subject to the consent of both DRD TransportNI and the Council, the Memorandum may be extended at one year intervals.

## Newry, Mourne &amp; Down District Council

25. The Memorandum may be terminated by either party with 6 months written notice.
26. The effectiveness of these arrangements will be reviewed in April of each year. Further analysis of actual costs to carry out this work in order to advocate the finances necessary to undertake this work will also be undertaken in April of each year.

**The Signatories**

Both organisations signify below their acceptance of the Memorandum on the terms and conditions set out

Signed on behalf of  Borough/District Council.

31/3/16

Date:

Signed on behalf of DRD TransportNI,



Date: 22/4/16.

**APPENDIX ONE**

**FOOTWAYS AND PEDESTRIAN AREA**

**ICE AND SNOW CLEARANCE – PRIORITY 1 / PRIORITY 2**

ROAD	EXTENT	OTHER COMMENTS
		Refer to attached schedules and/or maps identifying locations previously agreed with Councils.

**Appendix One lists the footways to be treated in priority order**



APPENDIX ONE

## FOOTWAYS AND PEDESTRIAN AREAS

## ICE AND SNOW CLEARANCE – PRIORITY 1 / PRIORITY 2

ROAD	EXTENT	OTHER COMMENTS
	<u>PRIORITY ONE</u>	
<u>DOWNPATRICK</u>		
Market Street	Irish Street to Entrance to Leisure Centre	
Irish Street	From Scotch Street to Entrance to Irish Street car park	
English Street	From Church Street junction for a distance of 50 m.	
Church Street	From Scotch Street to entrance to Church Street car park.	
Scotch Street	From Church Street junction for a distance of 50 m.	
<u>NEWCASTLE</u>		
Main Street.	From Railway Street to Central Promenade.	
Central Promenade.	From Main Street to Bryansford Road.	
Railway Street	From Entrance to car park at Percy French to Junction with Donard Street	
Donard Street	From Railway Street to Bryansford Avenue.	
Bryansford Avenue	From junction with main Street for a distance of 50 m.	

<b><u>BALLYNAHINCH</u></b>	
Main Street and High Street.	From Harmony Road to Dromore Road roundabout
<b><u>PRIORITY TWO</u></b>	
<b><u>BALLYNAHINCH</u></b>	
Harmony Road, Windmill Street.	From Main Street Junction to High Street junction.
<b><u>CASTLEWELLAN</u></b>	
Main Street.	From Clarmont Place to Bann Road roundabout
Upper Square	From Main Street to Main Street.
Newcastle Road	From Main Street to petrol filling station.
<b><u>PRIORITY TWO</u></b>	
Lower Square Castlewellan	
<b><u>KILLYLEAGH</u></b>	
Catherine Street, Cross Street.	From Plantation Street to Frederick Street
High Street	From Castle to Catherine Street.

Appendix One lists the footways to be treated in priority order.

APPENDIX ONEFOOTWAYS AND PEDESTRIAN AREAICE AND SNOW CLEARANCE – PRIORITY 1 / PRIORITY 2

<b>ROAD</b>	<b>EXTENT</b>	<b>OTHER COMMENTS</b>
<b>NEWRY</b>		
Priority 1 Hill Street and John Mitchell Place, Newry	Kildare Street to William Street	Including Marcus St and Mall to Bus Centre Pedestrian Entrance
Priority 2 Monaghan Street, Newry	Merchants Quay to Patrick Street	Including Patrick Street to SRC
Other Areas		
Mill Street, Buttercrane Quay and Bridge Street	Hill Street to Francis Street to Dublin Bridge to jct Bridge Street car park access road	

Appendix One lists the footways to be treated in priority order



**FOOTWAYS AND PEDESTRIAN AREA****ICE AND SNOW CLEARANCE – PRIORITY 1 / PRIORITY 2**

<b>ROAD</b>	<b>EXTENT</b>	<b>OTHER COMMENTS</b>
<b>KILKEEL</b>	Priority 2	
Bridge Street, Kilkeel		
Greencastle Street, Kilkeel	From Bridge Street To Hotel	
Newry Street, Kilkeel	From Bridge Street To Town Hall	
Newcastle Street, Kilkeel	From Bridge Street To ASDA	
<b>WARRENPOINT</b>	Priority 2	
The Square / Main shopping area, Warrenpoint	The Square Church Street Duke Street Dock Street	

**Appendix One lists the footways to be treated in priority order**

<b>Report to:</b>	Regulatory & Technical Services Committee
<b>Date of Meeting:</b>	17 <sup>th</sup> October 2018
<b>Subject:</b>	6 Month Report for Building Control and Regulation
<b>Reporting Officer (Including Job Title):</b>	Mr Edwin Newell, Acting Assistant Director for Enterprise Regeneration and Tourism, Building Control and Regulation
<b>Contact Officer (Including Job Title):</b>	Mr Edwin Newell, Acting Assistant Director for Enterprise Regeneration and Tourism, Building Control and Regulation

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

<b>For decision</b>	<b>For noting only</b>	<b>X</b>
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<b>1.0</b>	<b>Purpose and Background</b>
1.1	6 month report for Building Control, Licensing and EPB giving an overview of the service.
<b>2.0</b>	<b>Key issues</b>
2.1	<p><b>Building Control</b> Since the last report in March, staff who were on long term sick are back to work and as a result we are meeting all of our Building Control performance targets. There is currently one vacant Building Control Surveyor post in the Downpatrick office which is going through the recruitment process and this position is currently being covered by Agency staff.</p> <p><b>Licensing</b> Since the last report in March, the Licensing Officer post in Newry was vacated. This has been advertised and interviews will be carried out within the next 4 weeks. One Licensing Officer has been appointed in the Downpatrick office with interviews being carried out within the next 4 weeks for the remaining post.</p>
<b>3.0</b>	<b>Recommendations</b>
3.1	For noting.
<b>4.0</b>	<b>Resource implications</b>
4.1	None
<b>5.0</b>	<b>Equality and good relations implications</b>
5.1	None
<b>6.0</b>	<b>Rural Proofing implications</b>
6.1	None
<b>7.0</b>	<b>Appendices</b>
	Appendix 1 – Buildings Regulations and EPB Report Appendix 2 – Licensing Report

**Appendix 1****6 Monthly Report for RTS Committee Meeting****1.0 Building Regulations Report – Matters for Noting****1.1 Number of Building Regulation Applications Received****1 Mar 2018 – 31 Aug 2018**

1242

**1 Mar 2017 - 31 Aug 2017**

1312

**1.2 Fees Received****1 Mar 2018 – 31 Aug 2018**

Plan Fee £113,528.99

Inspection Fee £220,539.48

Other Fee £2,422.00

Total £336,490.47

**1 Mar 2017 - 31 Aug 2017**

Plan Fee £111,379.43

Inspection Fee £323,200.98

Other Fee £1725.00

Total £434,580.41

**1.3 Site Inspections carried out****1 Mar 2018 – 31 Aug 2018**

6707

**1 Mar 2017 - 31 Aug 2017**

6405

**1.4 Performance**

Current performance indicators are being met:-

Domestic Plan Assessments (Target 75%) 93%

Non Domestic Plan Assessments (Target 75%) 83%

BR3 Returns (Target 80%) 93%



## 2.0 Enforcement

Number of premises visited to assess extent of unauthorised works between March 2018 and August 2018 = 12

23 Priests Road, Castlewellan	Conversion of first floor garage to apartment	Resolved
152 Ballylough Road, Castlewellan	Extension to dwelling	Resolved
24-34 Main Street, Newcastle	Internal alterations	Resolved
36 Upper Damolly Road, Newry	Alterations and extension to dwelling	Resolved
106 Comber Road, Killyleagh		Resolved
62 Violet Hill Avenue, Newry	Roofspace conversion	Resolved
1a Rocks Road, Ballyhornan, Downpatrick	Re-roofing of existing building	Resolved
Unit 1 Milltown Industrial Estate, Warrenpoint	Change of use – sub- division of existing industrial unit	Resolved
14 Ardnabannon Road, Rostrevor	Refurbishment and extension to existing cottage	Resolved
13-15 North Street, Crossmaglen	Proposed alterations to public house	Resolved
27 Mourne View, Ballynahinch	Erection of an attached shed and an exempt conservatory	1 <sup>st</sup> Reminder letter has been sent out
27 Rath Road, Warrenpoint	Garden Shelter	28 day timeframe has not expired yet

### 3.0 Dangerous Structures

Number of premises identified as dangerous structures between March 2018 and August 2018 = 10

Adj 3 Station Road, Castlewellan	Loose roof slates and loose gutter sections	Resolved
119 Main Street, Dundrum	Loose slates at rear of roof	Resolved
43 Dublin Road, Newry	Vacant shop – glazing on windows broken	Resolved
53 Head Road, Annalong	Dangerous building due to fire damage	Resolved
Dominic Street, Newry	Slates fell off 3 storey building	Resolved
52 Hill Street, Newry	Debris noted on street	Currently outstanding
13 Quay Lane, Killough	Dangerous building	Currently outstanding
Adj to 8 Fishermans Row, Killough	Dangerous derelict building	Resolved
1 The Slip, Strangford	Loose Slates	Currently outstanding
1 Shore Road, Rostrevor	Tiles falling off roof	Resolved

### 4.0 Property Certificates

Property certificates responded to date.

**1 Mar 2018 – 31 Aug 2018**  
1452

**1 Mar 2017 – 31 Aug 2017**  
1430

## 5.0 Fire Risk Assessments

There have been 33 Fire Risk Assessments carried out during the past 6 months.

- Bagenals Castle
- Castlewellan Community Centre Playgroup
- Castle Depot
- Delamont Country and Caravan Park
- Down Leisure Centre Pavilion
- Castle Park Bowling Pavilion
- Castlewellan Pavilion
- Donard Park Pavilion
- Donard Park Toilets
- Islands Park Tennis Building
- Annsborough Pavilion
- Killough Pavilion
- Ballykinlar Pavilion
- Market Street Public Toilets
- Downs Road Toilets
- Tyrella Toilets, Visitor Centre and Gate Lodge
- Central Promenade Toilets
- Rock Pool
- Island Park Toilets
- Dundrum Pavilion
- Drumanakelly Landfill Site Office
- Lough Inch Cemetary Building
- Ballykine Civic Amenity Site Office
- Crossgar Changing Pavilion
- St Colman's Astro Pitch / Pavilion
- Struel Cemetary Amenity Building
- Langley Road Pavilion
- Ballyhornan Public Toilets
- Strangford Pavilion
- Cloonagh Road Civic Amenity Centre
- Castlewellan Public Toilets
- Rosconnor Pavilion
- Ardglass Bathing House



## **6.0 Energy Performance of Buildings (EPB) Checks 1<sup>st</sup> March 2018 -31<sup>st</sup> August 2018**

### ESTATE AGENTS

- \* Total no of agents checked (on site/ website) - 40
- \* Total number of non-compliance – 260
- \* Number of first warning letters issued – 85
- \* Number of successful first warning letters – 65

### Display Energy Certificates (DEC's)

- \* Number of buildings checked on Landmark - 93
- \* Number of buildings compliant on Landmark- 64
- \* Number of 2 month expiry letters issued – 402
- \* Number of first warning letters issued - 56
- \* Number of successful first warning letters - 27

### AIR CONDITIONING

- \* Number of air con buildings checked on landmark - 108
- \* Number of air con buildings compliant - 102
- \* Number of first warning letters issued - 8
- \* Number of successful first warning letters - 2

### EPCs RECEIVED (ON CONSTRUCTION)

- \* Number of new dwelling EPC's checked on Landmark – 398
- \* Number of new dwellings complaint – 342

### **Recommendation: For Noting**

**Edwin Newell**  
**Acting up Assistant Director of Enterprise, Regeneration and Tourism**

**Appendix 2****Licensing Report – Matters for Noting****1.0 Application Information****1.1 Application Information****1 March 2018 –  
31 August 2018**

Number of Licensing Applications Received and Validated (Entertainment, Cinema, Petroleum, Amusement, Marriage, Street Trading, Societies Lotteries, Road Closures and Dogs)	6262
---	------

Number of Licences Granted (Entertainment, Cinema, Petroleum, Amusement, Marriage, Street Trading, Societies Lotteries, Road Closures and Dogs)	6245
--	------

Number of Annual Inspections Carried out (including During Performance Inspections)	240
--	-----

**2.0 List of Entertainment Licences issued from 1 March 2018 –  
31 August 2018****Name of Premises****Address**

Crossmaglen Community Centre	The Square, Crossmaglen
Old Killowen Inn	10 Bridge Street, Rostrevor
Murphys Bar	2 Dromintee Road, Meigh
McGuigans Bar	48 Monaghan Street, Newry
Rooney's Bar	22 Main Street, Hilltown
Narrow Water Castle (AVA Party)	Newry Road, Warrenpoint
The Aniseed Lounge	29-33 Dromore Street, Ballynahinch
Fossett's Circus	Down Hockey Club, Strangford Road, Downpatrick
Riverside Bar	4 Forkhill Road, Mullaghbawn
Victoria Hotel	1 Dock Street, Warrenpoint
Sheepbridge Inn	143 Belfast Road, Newry
Fossett Brothers Circus	Albert Basin, Newry
Cloughmor Inn	2 Bridge Street, Rostrevor

**Name of Premises****Address**

Boley Inn	19 Main Street, Hilltown
Attical GAC Social Club	4 Sandy Brae, Attical
Mirabelle Bar	28 Market Street, Downpatrick
Kilkeel Parish Bridge Association	17-19 Greencastle Street, Kilkeel
St Moninna INF Club	55 Forkhill Road, Newry
Cross Square Hotel	4-5 O'Fiaich Square, Crossmaglen
St Patricks Gaelic Social Club	4B Old Road, Mayobridge
St Patricks GFC Dromintee	18 Aghadavoyle Road, Jonesborough
The Yellow Heifer	16 Main Street, Camlough
Canal Court Hotel	29-32 Merchants Quay, Newry
Catholic Working Mens Club	36 Hill Street, Newry
Bellinis	25 Merchants Quay, Newry
Silverbridge Resource Centre	35 New Road, Silverbridge
Silverbridge Harps GAC	35 New Road, Silverbridge
Fizpatricks Bar	7 Church Street, Downpatrick
Trainor's Bar	21 Main Street, Camlough
Longstone GAC	65 Longstone Road, Annalong
Lissummon Community Hall	Leish Road, Lissummon
Hunter Moore Social Club	65 Belfast Road, Newry
Whitecross Lounge	176B Tullyah Road, Whitecross
Forge Bar	100 Carrickasticken Road, Forkhill
Clonduff GAC	18 Castlewellan Road, Hilltown
The Road Houses	67 Ballyhornan Road, Downpatrick
Killyleagh Castle Outdoor Grounds	Castle Lane, Killyleagh
St Bronaghs GAA Club	Mary Street, Rostrevor
St Mochai's GAC	119 Manse Road, Crossgar
St Peters GAA	17-19 Mary Street, Warrenpoint
Warrenpoint Golf Club	Lower Dromore Road, Warrenpoint
Carlingford Lough Yacht Club	Kilowen Point, Rostrevor
The Arkle Bar	17 Irish Street, Downpatrick
Teconnaught GFC	7 Rann Road, Downpatrick
Ballyward Church Hall	Ballyward Road, Ballyward
Marine Tavern	4 Marine Parade, Warrenpoint
Newry Omniplex Cinema	The Quays Shopping Centre, Newry
Minnie Doyle's Bar	13-15 Main Street, Hilltown
Duffy's Circus	Dundrum Road, Newcastle
Duffy's Circus	Belfast Road, Downpatrick
Duffy's Circus	Cranfield Road, Kilkeel
Annalong Presbyterian Church Hall	Major's Hill, Annalong
Annalong Presbyterian Church Net Hall	Major's Hill, Annalong
Railway Bar	79 Monaghan Street, Newry
Mourne Stimulus Day Centre	Council Road, Kilkeel



**Name of Premises****Address**

Cuchulainn Park Social Club	Cranny Road, Mullaghbawn
Ballymartin Inn Ltd	17 Ballymartin Village, Ballymartin
Annalong Community Centre	Annalong Marine Park, Annalong
Ye Old Ship Inn	12-14 The Square, Warrenpoint
St John Bosco GFC	10 Water Street, Newry
The Maghera Inn	86 Ballyloughlin Road, Castlewellan
St Michael's Parochial Hall	Rathfriland Road, Dromara
Bridge Centre	Braeside Gardens, Killyleagh
Gormans Bar	2 Bavan Road, Mayobridge
St Patricks GFC	Tullynavall Road, Cullyhanna
The Bank Bar	1-2 Trevor Hill, Newry
Rademon Estate Distillery	Church Street, Crossgar
Magee's Bar	66 Downpatrick Street, Crossgar
The Carman's Inn	15 Downpatrick Street, Crossgar
Dolly's Brae Inn	15 Gargarry Road, Ballyward
Mooney's Bar	36 Main Street, Castlewellan
Kilkeel Golf Club	Mourne Park, Kilkeel
Youth with a Misson (An Cuan)	Shore Road, Rostrevor
Cobbles Bar	15 The Mall, Newry
Killeavy GAC	49 Forkhill Road, Newry
King George VI Memorial Orange Hall	27 Castleblayney Street, Newtownhamilton
Currans Bar and Seafood Steakhouse	83 Strangford Road, Ardglass
Newry Variety Market	Mary Street, Newry
Belleek Country House	16 Main Street, Belleeks
Ma Kearneys	20 Newry Road, Crossmaglen
Downshire Arms	28 Main Street, Hilltown
Glenside Lounge	15 Main Street, Belleeks
Down County Museum	The Mall, Downpatrick
The Anchor Bar	9-11 Bryansford Road, Newcastle
The Whistledown Hotel	6 Seaview, Warrenpoint
Mackens Bar (Gems Bar Ltd)	71-73 South Promenade, Newcastle
Windmill Bar	46 Church Street, Newry
Royal British Legion	5 Derrymore Road, Bessbrook
Turleys Bar	5-7 Scotch Street, Downpatrick
Spa Young Farmers Club	75 Drummaroad Hill, Ballynahinch
Marquee at Strangford Festival	Lower Green/Quay Street, Strangford
Pride in Newry Parade and Festival	McClelland Park, Newry

### 3.0 List of Petroleum Licences issued from 1 March 2018 – 31 August 2018

Name of Premises	Address
Ghan Filling Station	43 Warrenpoint Road, Newry
Glenview Service Station	10 Dublin Road, Newry
O'Hare's Supermarket	37 Newry Road, Mayobridge
Whitecross Filling Station	15 Kingsmill Road, Whitecross
Barneys Service Station	261 Dublin Road, Newry
Mulkerns Eurospar	51A Forkhill Road, Newry
Barbican Annalong	35 Kilkeel Road, Annalong
Grants Stores	2 Bog Road, Kilkeel
Mac Fuels	56 Forkhill Road, Newry
Killens Service Station	49 Main Street, Hilltown
O'Neills Filling Station	207 Concession Road, Crossmaglen
Newry, Mourne and Down District Council	Council Offices, Greenbank Industrial Estate, Newry
Eurospar	55 Greencastle Street, Kilkeel
Clonalig Fuels	200A Concession Road, Crossmaglen
MCG Wholesale	68 Edenappa Road, Jonesborough
Satellite Filling Station	46 Rathfriland Road, Hilltown
Morgan Xpress Station	251 Dublin Road, Newry
Coole Oils Ltd	71 New Road, Silverbridge
Clarnew Limited	30A Newry Road, Crossmaglen
Dufferin Garage	6-8 Cross Street, Killyleagh
Meadowside Filling Station	25 Church Street, Downpatrick
Mace	41 Annacloy Road, Downpatrick
Brennans	149 Newcastle Road, Seaforde
Barbican	82 Dundrum Road, Newcastle
Lennons	1 Newcastle Road, Castlewellan
Donard View Service Station	76 Crossgar Road, Ballynahinch
Hendersons	2-4 Main Street, Clough
Hendersons	5 Downpatrick Road, Ardglass
Carlises	14 Castlewellan Road, Newcastle
O'Hares	121 Drumaness Road, Drumaness
Royal County Down Golf Club	36 Golf Links Road, Newcastle
Dublin Road Service Station	112 Dublin Road, Kilcoo
Henry McVeigh	33 Clonvarghan Road, Newcastle

#### 4.0 List of Amusement Permits issued from 1 March 2018 – 31 August 2018

Name of Premises	Address
Boyle Gaming	45-51 Mill Street, Newry
Casino Palace	8 Water Street, Newry
The Casino	51 Monaghan Street, Newry
Max Sports Club Amusements	5 Margaret Square, Newry
Joyland Amusements	1-11 Central Promenade, Newcastle
Boyle Bingo and Amusements	29 & 31 Church Street, Warrenpoint

#### 5.0 Breakdown of Animal Welfare calls in Newry, Mourne and Down

	01 March 2018- 31 August 2018
<b>5.1 Animal Welfare Calls</b>	
Total number of calls for Northern Ireland	3245
Total number of calls received to date by Southern Region Area	651
Number of calls for Newry, Mourne and Down District area	248
Completed calls for Newry, Mourne and Down District area	203
<b>5.2 Animal Welfare Cases</b>	
Number of animal welfare cases in Northern Ireland	2799
Number of animal welfare cases in Southern Region group	595
Number of animal welfare cases in Newry, Mourne and Down District Council	235
Number of calls that are not animal welfare cases	13
<b>5.3 Breakdown of Animal Welfare Cases</b>	
Total number of animal welfare cases in Northern Ireland	235
Number of animal welfare cases closed in Northern Ireland	190
Number of animal welfare cases open in Southern Region group	45
<b>5.4 Breakdown of Visits and Actions</b>	
Number of visits carried out in Northern Ireland	389
Improvement Notices in Northern Ireland	10
Number of cases of animals seized in Northern Ireland	7



## 6.0 Street Nameplates

### 6.1 Street Nameplates

**1 March 2018  
– 31 August  
2018**

Nameplates Requests Received	63
Nameplates Ordered	56
Nameplates confirmed as being erected	38

## 7.0 List of Single Language Nameplates erected from 1 March 2018 – 31 August 2018

### Street Name

Burrenbridge Road, Castlewellan  
 St Nicholas Walk, Ardglass  
 Lir Grove, Newtownhamilton  
 Drumnaquoile Road, Ballynahinch  
 Watsons Road, Newry  
 McKnights Hill, Bessbrook  
 St Dillions Court, Downpatrick  
 Loughaveely Road, Crossmaglen  
 Upper Knockbarragh Road, Rostrevor  
 Shinn Road, Newry  
 Nos. 72 – 72a Newtown Road, Rostrevor  
 Nos. 135 – 149A Kilbroney Road, Rostrevor  
 Main Street, Dundrum  
 School Hill, Dundrum  
 Nos. 109 – 129 Strangford Road, Downpatrick  
 Cherryhill Road, Ballynahinch  
 Drumnahunshin Road, Whitecross  
 Kilbroney Road - Numbers 135 - 149a Leading To 70, 72, 72a  
 Newtown Road, Rostrevor  
 Newtown Road, Rostrevor - Numbers 70, 72, 72a  
 Mary Street, Warrenpoint  
 O'Rahilly Road, Castlewellan  
 Longstone Road, Annalong  
 The Square, Rostrevor  
 Glen Court, Newry

## **8.0 Requests for Dual Language Nameplates**

### **8.1 Livins Road, Kilkeel**

It was approved to erect a dual-language street nameplate at Livins Road, Kilkeel following a request from an occupant; a postal survey was initiated by the Licensing Section, to each occupier at Livins Road, Kilkeel.

25 questionnaires were posted to the same amount of properties at Livins Road, Kilkeel (figure stated to be amount of houses in given area according to Pointer and Royal Mail).

### **8.2 Tievedoo Park, Kilkeel**

It was approved to erect a dual-language street nameplate at Tievedoo Park, Kilkeel following a request from an occupant; a postal survey was initiated by the Licensing Section, to each occupier at Tievedoo Park, Kilkeel.

14 questionnaires were posted to the same amount of properties at Tievedoo Park, Kilkeel (figure stated to be amount of houses in given area according to Pointer and Royal Mail).

### **8.3 Tullamona Park, Kilkeel**

It was approved to erect a dual-language street nameplate at Tullamona Park, Kilkeel following a request from an occupant; a postal survey was initiated by the Licensing Section, to each occupier at Tullamona Park, Kilkeel.

8 questionnaires were posted to the same amount of properties at Tullamona Park, Kilkeel (figure stated to be amount of houses in given area according to Pointer and Royal Mail).

### **8.4 Aileen Terrace, Newry**

It was approved to erect a dual-language street nameplate at Aileen Terrace, Newry following a request from an occupant; a postal survey was initiated by the Licensing Section, to each occupier at Aileen Terrace, Newry.

15 questionnaires were posted to the same amount of properties at Aileen Terrace, Newry (figure stated to be amount of houses in given area according to Pointer and Royal Mail).

### **8.5 Ardgreen Drive, Newry**

It was approved to erect a dual-language street nameplate at Ardgreen Drive, Newry following a request from an occupant; a postal survey was initiated by the Licensing Section, to each occupier at Ardgreen Drive, Newry.

15 questionnaires were posted to the same amount of properties at Ardgreen Drive, Newry (figure stated to be amount of houses in given area according to Pointer and Royal Mail).

#### **8.6 Castlekeele Heights, Newry**

It was approved to erect a dual-language street nameplate at Castlekeele Heights, Newry following a request from an occupant; a postal survey was initiated by the Licensing Section, to each occupier at Castlekeele Heights, Newry.

7 questionnaires were posted to the same amount of properties at Castlekeele Heights, Newry (figure stated to be amount of houses in given area according to Pointer and Royal Mail).

#### **8.7 Dorans Hill, Newry**

It was approved to erect a dual-language street nameplate at Dorans Hill, Newry following a request from an occupant; a postal survey was initiated by the Licensing Section, to each occupier at Dorans Hill, Newry.

11 questionnaires were posted to the same amount of properties at Dorans Hill, Newry (figure stated to be amount of houses in given area according to Pointer and Royal Mail).

#### **8.8 Hillside Court, Newry**

It was approved to erect a dual-language street nameplate at Hillside Court, Newry following a request from an occupant; a postal survey was initiated by the Licensing Section, to each occupier at Hillside Court, Newry.

5 questionnaires were posted to the same amount of properties at Hillside Court, Newry (figure stated to be amount of houses in given area according to Pointer and Royal Mail).

#### **8.9 Hillside Terrace, Newry**

It was approved to erect a dual-language street nameplate at Hillside Terrace, Newry following a request from an occupant; a postal survey was initiated by the Licensing Section, to each occupier at Hillside Terrace, Newry.

4 questionnaires were posted to the same amount of properties at Hillside Terrace, Newry (figure stated to be amount of houses in given area according to Pointer and Royal Mail).

### **8.10 Longstone Road, Annalong**

It was approved to erect a dual-language street nameplate at Longstone Road, Annalong following a request from an occupant; a postal survey was initiated by the Licensing Section, to each occupier at Longstone Road, Annalong.

67 questionnaires were posted to the same amount of properties at Longstone Road, Annalong (figure stated to be amount of houses in given area according to Pointer and Royal Mail).

### **8.11 Martins Lane, Newry**

It was approved to erect a dual-language street nameplate at Martins Lane, Newry following a request from an occupant; a postal survey was initiated by the Licensing Section, to each occupier at Martins Lane, Newry.

9 questionnaires were posted to the same amount of properties at Martins Lane, Newry (figure stated to be amount of houses in given area according to Pointer and Royal Mail).

### **8.12 The Square, Rostrevor**

It was approved to erect a dual-language street nameplate at The Square, Rostrevor following a request from an occupant; a postal survey was initiated by the Licensing Section, to each occupier at The Square, Rostrevor.

19 questionnaires were posted to the same amount of properties at The Square, Rostrevor (figure stated to be amount of houses in given area according to Pointer and Royal Mail).

### **8.13 Ballinlare Court, Newry**

It was approved to erect a dual-language street nameplate at Ballinlare Court, Newry following a request from an occupant; a postal survey was initiated by the Licensing Section, to each occupier at Ballinlare Court, Newry.

24 questionnaires were posted to the same amount of properties at Ballinlare Court, Newry (figure stated to be amount of houses in given area according to Pointer and Royal Mail).

### **8.14 Castlekeele, Newry**

It was approved to erect a dual-language street nameplate at Castlekeele, Newry following a request from an occupant; a postal survey was initiated by the Licensing Section, to each occupier at Castlekeele, Newry.

7 questionnaires were posted to the same amount of properties at Castlekeele, Newry (figure stated to be amount of houses in given area according to Pointer



and Royal Mail).

### **8.15 The Demense, Newry**

It was approved to erect a dual-language street nameplate at The Demense, Newry following a request from an occupant; a postal survey was initiated by the Licensing Section, to each occupier at The Demense Newry.

70 questionnaires were posted to the same amount of properties at The Demense, Newry (figure stated to be amount of houses in given area according to Pointer and Royal Mail).

### **8.16 Raymond Kelly Park, Newry**

It was approved to erect a dual-language street nameplate at Raymond Kelly Park, Newry following a request from an occupant; a postal survey was initiated by the Licensing Section, to each occupier at Raymond Kelly Park, Newry.

7 questionnaires were posted to the same amount of properties at Raymond Kelly Park, Newry (figure stated to be amount of houses in given area according to Pointer and Royal Mail).

### **8.17 Springmartin, Newry**

It was approved to erect a dual-language street nameplate at Springmartin, Newry following a request from an occupant; a postal survey was initiated by the Licensing Section, to each occupier at Springmartin, Newry.

23 questionnaires were posted to the same amount of properties at Springmartin, Newry (figure stated to be amount of houses in given area according to Pointer and Royal Mail).

### **8.18 Convent Road, Kilcoo**

It was approved to erect a dual-language street nameplate at Convent Road, Kilcoo following a request from an occupant; a postal survey was initiated by the Licensing Section, to each occupier at Convent Road, Kilcoo.

13 questionnaires were posted to the same amount of properties at Convent Road, Kilcoo (figure stated to be amount of houses in given area according to Pointer and Royal Mail).

### **8.19 Ardenlee Drive, Downpatrick**

It was approved to erect a dual-language street nameplate at Ardenlee Drive, Downpatrick following a request from an occupant; a postal survey was initiated by the Licensing Section, to each occupier at Ardenlee Drive, Downpatrick.

23 questionnaires were posted to the same amount of properties at Ardenlee Drive, Downpatrick (figure stated to be amount of houses in given area according to Pointer and Royal Mail).

## 9.0 Postal Numbering

### 9.1 Postal Numbering

**1 March 2018 – 31 August 2018**

Allocation of New Postal Address	210
Postal queries responded to	160
Postal queries are address queries from Pointer, Land and Property services and queries from members of the public.	

## 10.0 Requests for Development Naming

### 10.1 Aughrim Court, Kilkeel

The name 'Aughrim Court' was approved for the proposed development at Mountain Road, Kilkeel by Choice Housing Association.

The proposal met the Street Naming Criteria as it 'reflects the local townland name, or a local geographical/topographical feature or social, or historical feature'. and "The prefix of the name can only be the same as an existing street or road name prefix in the locality if it is accessed from that street or road'.

This is an existing development. This is a process to formally adopt an existing known development.

### 10.2 Belvedere Heights, Burren

The name 'Belvedere Heights' was approved for the proposed development at Clontafleece Road, Burren by Aine Cassidy.

The proposal met the Street Naming Criteria as it 'Reflects the local townland name, or a local geographical/topographical feature or social, or historical feature'.

The Site is on an elevated hill overlooking Burren Chapel. The association with the word 'Belvedere' is based on historical church reference to an

elevated premises overlooking the Vatican, hence the name Belvedere Heights.

### **10.3 Boirinn View, Burren**

The name 'Boirinn View' was approved for the proposed development at Clontafleece Road, Burren by Aine Cassidy.

The proposal met the Street Naming Criteria as it 'Reflects the local townland name, or a local geographical/topographical feature or social, or historical feature'.

The name is taken from placenames data; *An Bhoirinn* meaning rocky district, small townland in County Down. The site is elevated overlooking Burren district.

### **10.4 Harbour Close, Kilkeel**

The name 'Harbour Close' was approved for the proposed development at Harbour Road, Kilkeel by McKinley Contracts Ltd,

The proposal met the Street Naming Criteria as 'the prefix of the name can only be the same as an existing street or road name prefix in the locality if it is accessed from that street or road'.

The new development is located adjacent to Kilkeel Harbour hence the name Harbour Close.

### **10.5 Carquillan Court, Hilltown**

The name 'Carquillan Court' was approved for the proposed development at Carquillan, Hilltown by McAdam Stewart Architects

The proposal met the Street Naming Criteria under criterion No 3' The prefix of the name can only be the same as an existing street or road name prefix in the locality if it is accessed from that street or road'.

The site is accessed from Carquillan, hence the name Carquillan Court.

### **10.6 St Bridgets Lane, Crossmaglen**

The name 'St Bridgets Lane' was approved for the proposed development at Corrasmoor Road, Crossmaglen by Triange Housing Association.

The proposal met the Street Naming Criteria under criterion No 1' Reflect the local townland name, or a local geographical/topographical feature or social, or historical feature'. The site is in close proximity of St Bridget's Park.

### **10.7 Hillcrest Way and Hillcrest Avenue, Bessbrook**

The names 'Hillcrest Way and Hillcrest Avenue' was approved for the proposed development at McKnights Hill by Lotus Homes.

The proposals met the Street Naming Criteria under criterion No 3 'The prefix of the name can only be the same as an existing street or road name prefix in the locality if it is accessed from that street or road'.

The site is accessed from Hillcrest Heights, hence the names Hillcrest Way and Hillcrest Avenue.

### **10.8 Forde Gardens, Seaforde**

The name 'Forde Gardens' was approved for the proposed development adjacent to Forde Way, Seaforde for Aiden Rice.

The proposal met with the Street Naming Criteria under criterion No 3 'the prefix of the name can only be the same as an existing street or road name prefix in the locality if it is accessed from that street or road'.

The proposed development is directly accessed of Forde Close.

### **10.9 Brunels View, Dundrum**

The name 'Brunels View' was approved for the proposed development at Main Street, Dundrum for Clanmill Developments.

The proposal met with the Street Naming Criteria under criterion No 1 'reflects the local townland name, or a local geographical/topographical feature or social, or historical feature'.

### **10.10 Seaview Lane, Newcastle**

The name 'Seaview Lane' was approved for the proposed development at Bryansford Village, Newcastle for Douglas Gale Ltd.

The proposal met with the Street Naming Criteria under criterion No 1 'reflects the local townland name, or a local geographical/topographical feature or social, or historical feature'.



### **10.11 Forde Green, Seaforde**

The name 'Forde Green' was approved for the proposed development adjacent to Forde Close, Seaforde for Helm Housing.

The proposal met with the Street Naming Criteria under criterion No 3 'the prefix of the name can only be the same as an existing street or road name prefix in the locality if it is accessed from that street or road'.

The proposed development is directly accessed of Forde Close.

### **10.12 Riverview Walk, Ballynahinch**

The name 'Riverview Walk' was approved for the proposed development adjacent to Riverview Heights, Ballynahinch for Lilburn Contracts.

The proposal met with the Street Naming Criteria under criterion No 3 'the prefix of the name can only be the same as an existing street or road name prefix in the locality if it is accessed from that street or road'.

The proposed development is directly accessed of Riverview Heights.

### **10.13 Lawnfield Close, Newcastle**

The name 'Lawnfield Close' was approved for the proposed development at Lawnfield, Newcastle for Choice Housing.

The proposal met with the Street Naming Criteria under criterion No 3 'the prefix of the name can only be the same as an existing street or road name prefix in the locality if it is accessed from that street or road'.

The proposed development is directly accessed of Lawnfield.

### **10.14 Old Station Court, Killyleagh**

The name 'Old Station Court' was approved for the proposed development at Downpatrick Road, Killyleagh for Eugene Flynn.

The proposal met with the Street Naming Criteria under criterion No 1 'reflects the local townland name, or a local geographical/topographical feature or social, or historical feature'.

The proposed development is being built on the site of an old police station.

### **10.15 Dundrinne Close, Castlewellan**

The name 'Dundrinne Close' was approved for the proposed development at Dundrinne Road, Castlewellan for SM Contracts.

The proposal met with the Street Naming Criteria under criterion No 3 'the prefix of the name can only be the same as an existing street or road name prefix in the locality if it is accessed from that street or road'.

The proposed development is directly accessed off Dundrinne Road.

**Recommendation:  
For Noting**

**Signed  
Edwin Newell  
Acting up Assistant Director of Enterprise, Regeneration and Tourism**

<b>Report to:</b>	Regulatory & Technical Services Committee.
<b>Date of Meeting:</b>	17 <sup>th</sup> October 2018.
<b>Subject:</b>	Car Park Tariff Review – Update.
<b>Reporting Officer (Including Job Title):</b>	Mr Edwin Newell, Acting Assistant Director, Enterprise, Regeneration and Tourism.
<b>Contact Officer (Including Job Title):</b>	Mr Gary McCurry, Duty Manager, Off Street Parking Function.

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

<b>For decision</b>	<b>For noting only</b>	<b>x</b>
<b>1.0</b>	<b>Purpose and Background</b>	
1.1	In relation to the on-going review of car parking tariffs in conjunction with the wider parking strategy, the next phase of the procedure will be conducted as a threefold application, in the format as outlined below.	
<b>2.0</b>	<b>Key issues</b>	
2.1	<p>1. Key stakeholders, comprising local traders, DEA forum members, Business Improvement Districts and respective Chambers of Commerce in identified settlements will be invited to attend a presentation road show. At these sessions an open format will facilitate an initial presentation to attendees, providing an overview of the content of the strategy, with specific focus on the actions specific to each settlement. Any questions arising from the presentation would be addressed followed by a set list of questions to enable collation of data for inclusion within a final report.</p> <p>For any stakeholders unable to attend the scheduled session, there would be a provision for them to contact the consultant by telephone to record their comments/views.</p> <p>2. In parallel with the key stakeholder sessions, engagement with residents and car park users would be carried out by means of an online user survey via the Council website. To facilitate users without internet access, a printed version of the survey would be provided at Council premises. Details outlining the availability of this option will be publicised in respective local newspapers.</p> <p>3. The final element of the review refers to the collection of data from Council Finance, coupled with our partner organisations of NSL Ltd and The Department For Infrastructure (DFI). This data will enable comparison of trends associated with revenue stream since the tariff increase in April 2018, levels of occupancy and Penalty Charge Notice issuance and subsequent associated appeals.</p>	

<b>3.0</b>	<b>Recommendations</b>
3.1	<ul style="list-style-type: none"> <li>RTS Committee Members are asked to note the content of the above report, in the context as an update of the on-going process.</li> </ul>
<b>4.0</b>	<b>Resource implications</b>
4.1	None.
<b>5.0</b>	<b>Equality and good relations implications</b>
5.1	N/A at this juncture.
<b>6.0</b>	<b>Rural Proofing implications</b>
6.1	None.
<b>7.0</b>	<b>Appendices</b>
	<ul style="list-style-type: none"> <li>Appendix 1. Proposed online survey.</li> <li>Appendix 2. Proposed Road show schedule.</li> </ul> <p><b>Appendix 1. Proposed online survey</b></p>





**NEWRY, MOURNE AND DOWN DISTRICT COUNCIL  
CAR PARKING SURVEY**

Newry, Mourne and Down District Council are responsible for a number of car parks throughout the Borough. The following survey seeks to determine the views of car park users throughout the District. It contains 11 questions and should take no longer than five minutes to complete. The survey has been developed by the Council's consultants AECCM. We appreciate you taking the time to complete this short survey. Rather than completing this hard copy form, alternatively you can fill out the online version of the survey by visiting [\[survey hyperlink\]](#)

The closing date for completed surveys is Friday 9<sup>th</sup> November 2018. If you wish to submit any further comments please feel free to do so via the following email address – [aura.mccoy@aecom.com](mailto:aura.mccoy@aecom.com). Please return completed hard copies of this survey to:

Gary McCurry, Duty Manager, Off Street Parking Function, Oisig Dhún Pádraig, Downpatrick Office, Downshire Civic Centre, Downshire Estate, Ardglass Road, Downpatrick, BT30 6GQ.

**Q1. Which settlement do you park in most often? (Please note you can only circle one settlement).**

Newry	Downpatrick
Castlereagh	Newcastle
Ballynahinch	Saintfield
Warrenpoint	Rostrevor
Kikeel	Hilltown
Other (Please state)	

**Q2. Think about which settlement you park most often in as stated in Question 1. Why do you use this parking facility? (Please tick all that apply):**

For my employment
For shopping
For business meetings
For leisure
For private appointments
My place of residence does not provide parking
Other (Please state):

**Q3. How often do you use this parking facility?**

Daily	Don't know
Weekly	Other (Please State)
Monthly	

**Q4. How long do you typically park for most often?**

Under 1 hour	
1 - 2 hours	
2 - 4 hours	
4 - 8 hours	
8+ hours (all day)	
Other (Please state)	

**Q5. Do you find it difficult to find a parking space?**

Yes
No
Don't know



**NEWRY, MOURNE AND DOWN DISTRICT COUNCIL  
CAR PARKING SURVEY**

**Q6. If you find it difficult to find a space, why do you think this is the case? (Please tick all that apply)**

Too few spaces available in the location I want to park in	<input type="checkbox"/>
Lack of signage to make me aware of where spaces are available	<input type="checkbox"/>
The best parking spots seem to get taken up early in the morning	<input type="checkbox"/>
Inconsiderate parking i.e. persons encroaching on more than one space	<input type="checkbox"/>
Other (Please state)	<input type="checkbox"/>

**Q7. What are the main reasons why you choose to park where you park most often? (Please tick all that apply)**

It's the closest to where I'm going	<input type="checkbox"/>
The parking spaces are easy to get in and out of	<input type="checkbox"/>
Force of habit – I always park there	<input type="checkbox"/>
Cost of parking	<input type="checkbox"/>
Availability of spaces	<input type="checkbox"/>
I feel safe parking there	<input type="checkbox"/>
I rarely give it a thought	<input type="checkbox"/>

**Q8. Which car park features do you consider the most important when choosing where to park? (Please tick all that apply)**

Lighting	<input type="checkbox"/>
Security	<input type="checkbox"/>
Car Park Surface	<input type="checkbox"/>
Signage	<input type="checkbox"/>
Parking space size	<input type="checkbox"/>
Disabled parking	<input type="checkbox"/>
Park and Child Parking	<input type="checkbox"/>
Electric Vehicle Parking	<input type="checkbox"/>
Other (Please state)	<input type="checkbox"/>

**Q9. If you or a family member / friend have limited physical mobility, do you think that there are a sufficient number of disabled parking bays?**

Yes	<input type="checkbox"/>
No	<input type="checkbox"/>
Not applicable	<input type="checkbox"/>
Don't know	<input type="checkbox"/>

**Q10. OPTIONAL. Please provide your home postcode.**

**Q11. OPTIONAL. Please provide any further comments.**

**Appendix 2. Proposed Road show schedule.**

DAY/DATE	TIME	LOCATION	ASSOCIATED SETTLEMENTS
Tuesday 6 <sup>th</sup> November 2018	6-7pm	Downpatrick Arts Centre	Downpatrick
Wednesday 7 <sup>th</sup> November 2018	5.30 – 6.30pm	Warrenpoint Town hall	W'point/Rostrevor/Hilltown
Wednesday 7 <sup>th</sup> November 2018	8-9pm	Newry St Community Centre	Kilkeel
Monday 12 <sup>th</sup> November 2018	7-9pm	Sean Hollywood Arts Centre	Newry
Tuesday 13 <sup>th</sup> November 2018	5.30-6.30pm	The Lodge Castlewellan	Castlewellan
Tuesday 13 <sup>th</sup> November 2018	8-9pm	Newcastle Centre	Newcastle
Tuesday 20 <sup>th</sup> November 2018	5.30- 6.30pm	Market House Ballynahinch	Ballynahinch
Tuesday 20 <sup>th</sup> November 2018	8-9pm	The Hub Saintfield	Saintfield/Crossgar

**8.0****Background Documents***None.*

## Current Appeals

**AUTHORITY**     Newry, Mourne and Down

**ITEM NO**    1

**Planning Ref:**                                 LA07/2017/0687/    **PAC Ref:**     2017/A0168

**APPELLANT**                                     Steven And Diane Campbell    **DEA**    The Mournes

**LOCATION**                                        30m North Of 94 Greencastle Road  
Kilkeel

**PROPOSAL**                                      RT34 40F  
Infill site for new dwelling and garage in existing cluster (amended plans)

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

**Appeal Procedure**                                **Written Reps with Site Visit**    **Date Appeal Lodged**

**Date of Hearing**

**Date Statement of Case Due for Hearing**

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

**Date of Site Visit**

**ITEM NO**    2

**Planning Ref:**                                 LA07/2017/0786/    **PAC Ref:**     2017/A0178

**APPELLANT**                                     Walter Watson    **DEA**    Slieve Croob

**LOCATION**                                        4 Drumnaquoile Road  
Castlewellan

**PROPOSAL**                                      Replacement dwelling and detached garage

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

**Appeal Procedure**                                **Date Appeal Lodged**    04/12/2017

**Date of Hearing**

**Date Statement of Case Due for Hearing**

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

**Date of Site Visit**



## Current Appeals

110

<b>ITEM NO</b>	<b>3</b>		
<b>Planning Ref:</b>	LA07/2017/0319/	<b>PAC Ref:</b>	2017/A0188
<b>APPELLANT</b>	Mr Sean O'Hare	<b>DEA</b>	Slieve Gullion
<b>LOCATION</b>	10A Limekiln Road Newry		
<b>PROPOSAL</b>	RT35.71 X Retention of authorised treatment facility for end-of-life vehicles, including access road and all associated site infrastructure, including areas of hardstanding, drainage systems, all buildings, structures, racks, fencing and gates		
<b>APPEAL TYPE</b>	DC- Refusal of Planning Permission		
<b>Appeal Procedure</b>	<b>Informal Hearing</b>	<b>Date Appeal Lodged</b>	12/12/2017
<b>Date of Hearing</b>		<b>18/04/2018</b>	
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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<b>ITEM NO</b>	<b>4</b>		
<b>Planning Ref:</b>	LA07/2017/0114/	<b>PAC Ref:</b>	2017/A0202
<b>APPELLANT</b>	Mr Vincent McGuinness	<b>DEA</b>	Newry
<b>LOCATION</b>	210m South 30 Low Road Killeavy Newry		
<b>PROPOSAL</b>	Retention of existing industrial units and yard area for use as a waste transfer station. Includes associated car parking, external storage area and weighbridge.		
<b>APPEAL TYPE</b>	DC- Refusal of Planning Permission		
<b>Appeal Procedure</b>		<b>Date Appeal Lodged</b>	22/12/2017
<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

111

<b>ITEM NO</b>	<b>5</b>		
<b>Planning Ref:</b>	LA07/2016/0952/	<b>PAC Ref:</b>	2017/A0213
<b>APPELLANT</b>	D & M Downey	<b>DEA</b>	Newry
<b>LOCATION</b>	113-117 Dublin Road Newry		
<b>PROPOSAL</b>	RT35 ROP Sub-division of part of existing bulky goods retail warehouse (No 115) to provide 3 No. ground floor class A1 retail units with new shopfronts (the 3 No. units to operate without compliance with the bulky goods condition on approval P/1993/0605); and western extension of site area		
<b>APPEAL TYPE</b>	DC- Refusal of Planning Permission		
<b>Appeal Procedure</b>	<b>Informal Hearing</b>	<b>Date Appeal Lodged</b>	18/01/2018
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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<b>ITEM NO</b>	<b>6</b>		
<b>Planning Ref:</b>	LA07/2017/0795/	<b>PAC Ref:</b>	2018/A0020
<b>APPELLANT</b>	Mr Laurence Patterson	<b>DEA</b>	Rowallane
<b>LOCATION</b>	Drumnaconnell House 56 Ballynahinch Road Drumnaconnell West		
<b>PROPOSAL</b>	Replacement dwelling		
<b>APPEAL TYPE</b>	DC- Refusal of Planning Permission		
<b>Appeal Procedure</b>		<b>Date Appeal Lodged</b>	15/05/2018
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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## Current Appeals

112

<b>ITEM NO</b>	<b>7</b>	<b>PAC Ref:</b>	2018/A0026
<b>Planning Ref:</b>	LA07/2015/0461/	<b>DEA</b>	Crotlieve
<b>APPELLANT LOCATION</b>	John Mackin 72 Ballyvalley Road Mayobridge		
<b>PROPOSAL</b>	Replacement dwelling		
<b>APPEAL TYPE</b>	DC - Conditions of Approval		
<b>Appeal Procedure</b>	<b>Written Reps with Site Visit</b>	<b>Date Appeal Lodged</b>	29/05/2018
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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<b>ITEM NO</b>	<b>8</b>	<b>PAC Ref:</b>	2018/A0027
<b>Planning Ref:</b>	LA07/2016/1407/	<b>DEA</b>	The Mournes
<b>APPELLANT LOCATION</b>	Richard Newell 75A Glassdrumman Road Annalong Co. Down		
<b>PROPOSAL</b>	Proposed extension of curtilage of existing dwelling house and retention of existing Domestic Boat House and Yard		
<b>APPEAL TYPE</b>	DC- Refusal of Planning Permission		
<b>Appeal Procedure</b>	<b>Written Reps</b>	<b>Date Appeal Lodged</b>	30/05/2018
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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## Current Appeals

113

<b>ITEM NO</b>	<b>9</b>	<b>PAC Ref:</b>	2018/A0029
<b>Planning Ref:</b>	LA07/2016/1276/	<b>DEA</b>	Rowallane
<b>APPELLANT LOCATION</b>	Mr D Boal 3 Main Street Ballynahinch		
<b>PROPOSAL</b>	Subdivision of existing retail unit to 2No. Retail Units and Change of Use to 4No apartments with extension to first floor to provide 2No. Apartments		
<b>APPEAL TYPE</b>	DC- Refusal of Planning Permission		
<b>Appeal Procedure</b>		<b>Date Appeal Lodged</b>	01/06/2018
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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<b>ITEM NO</b>	<b>10</b>	<b>PAC Ref:</b>	2018/A0030
<b>Planning Ref:</b>	LA07/2017/1192/	<b>DEA</b>	Newry
<b>APPELLANT LOCATION</b>	Tranquility Ireland 97 Fathom Line Fathom Lower (Main Portion)		
<b>PROPOSAL</b>	Retention of change of use of domestic dwelling and garage to three short term holiday let accommodation with alterations		
<b>APPEAL TYPE</b>	DC- Refusal of Planning Permission		
<b>Appeal Procedure</b>	<b>Written Reps with Site Visit</b>	<b>Date Appeal Lodged</b>	01/06/2018
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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## Current Appeals

114

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

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<b>ITEM NO</b>	<b>12</b>		
<b>Planning Ref:</b>	LA07/2017/0492/	<b>PAC Ref:</b>	2018/A0050
<b>APPELLANT</b>	East Coast Coaches	<b>DEA</b>	Crotlieve
<b>LOCATION</b>	70 Metres East Of 72 Rathfriland Road Newry		
<b>PROPOSAL</b>	Temporary permission for hard standing (area to be used for the parking and turning of coaches associated with existing bus and taxi depot)		
<b>APPEAL TYPE</b>	DC- Refusal of Planning Permission		
<b>Appeal Procedure</b>	<b>Informal Hearing</b>	<b>Date Appeal Lodged</b>	17/07/2018
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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## Current Appeals

115

<b>ITEM NO</b>	<b>13</b>		
<b>Planning Ref:</b>	R/2014/0079/F	<b>PAC Ref:</b>	2018/A0054
<b>APPELLANT</b>	Mr Brendan Maginn	<b>DEA</b>	The Mournes
<b>LOCATION</b>	Approx 285m South West Of No 63 Dundrine Road Castlewellan		
<b>PROPOSAL</b>	Retention of as constructed 225 kw wind turbine with a tower height of 39.5m (to supersede previous wind turbine approval ref R/2010/0555/F)		
	(Additional surveys/info received)		
<b>APPEAL TYPE</b>	DC- Refusal of Planning Permission		
<b>Appeal Procedure</b>		<b>Date Appeal Lodged</b>	30/07/2018
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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<b>ITEM NO</b>	<b>14</b>		
<b>Planning Ref:</b>	LA07/2017/1802/	<b>PAC Ref:</b>	2018/A0064
<b>APPELLANT</b>	Mrs Bridget Hasson	<b>DEA</b>	Slieve Gullion
<b>LOCATION</b>	80m North East Of No 50 Malahy Conlon Park Cullaville Road Cullaville		
<b>PROPOSAL</b>	Proposed infill dwelling and domestic garage		
<b>APPEAL TYPE</b>	DC- Refusal of Planning Permission		
<b>Appeal Procedure</b>		<b>Date Appeal Lodged</b>	10/08/2018
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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## Current Appeals

116

<b>ITEM NO</b>	<b>15</b>	<b>PAC Ref:</b>	2018/A0065/F
<b>Planning Ref:</b>	LA07/2017/1668/	<b>DEA</b>	Rowallane
<b>APPELLANT</b>	Mr & Mrs Joseph Bell		
<b>LOCATION</b>	33 Cluntagh Road Crossgar		
<b>PROPOSAL</b>	RT30 QFT Conversion of stables to domestic annex to be used as granny flat		

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

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<b>ITEM NO</b>	<b>16</b>	<b>PAC Ref:</b>	2018/A0066
<b>Planning Ref:</b>	LA07/2017/1394/	<b>DEA</b>	Slieve Croob
<b>APPELLANT</b>	Mr B And Mrs A Gibney		
<b>LOCATION</b>	80m East Of 89 Demesne Road Edendarriff		
<b>PROPOSAL</b>	Rallynahinch Dwelling and garage on a farm		

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

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## Current Appeals

117

<b>ITEM NO</b>	<b>17</b>	<b>PAC Ref:</b>	2018/AO021
<b>Planning Ref:</b>	LA07/2018/0166/	<b>DEA</b>	Slieve Gullion
<b>APPELLANT</b>	Sean Nugent		
<b>LOCATION</b>	60m East Of 66 Slatequarry Road Cullyhanna		
<b>PROPOSAL</b>	Retention of existing farm shed		

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

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<b>ITEM NO</b>	<b>18</b>	<b>PAC Ref:</b>	2018/E0014
<b>Planning Ref:</b>	LA07/2017/0665/	<b>DEA</b>	Newry
<b>APPELLANT</b>	Mr James K. Donnelly		
<b>LOCATION</b>	110 Metres North West Of No. 240 Dublin Road Killeen		
<b>PROPOSAL</b>	<sup>Newry</sup> Retention of agricultural building, erected under permitted development		

<b>APPEAL TYPE</b>	DC- Refusal of CLUD		
<b>Appeal Procedure</b>		<b>Date Appeal Lodged</b>	14/06/2018
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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## Current Appeals

118

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

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

<b>ITEM NO</b>	<b>20</b>	<b>PAC Ref:</b>	2018/E0022
<b>Planning Ref:</b>	LA07/2018/0373/	<b>DEA</b>	Crotlieve
<b>APPELLANT</b>	James Purdy		
<b>LOCATION</b>	78b Upper Dromore Road Warrenpoint		
<b>PROPOSAL</b>	Car bodywork repairs and construction sealants distribution.		

<b>APPEAL TYPE</b>	DC- Refusal of Planning Permission	<b>Date Appeal Lodged</b>	11/07/2018
<b>Appeal Procedure</b>	<b>Written Reps</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>			



# Appeal Decision

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

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<b>Appeal Reference:</b>	2017/A0202
<b>Appeal by:</b>	Mr Vincent McGuiness
<b>Appeal against:</b>	The refusal of full planning permission
<b>Proposed Development:</b>	Retention of existing industrial units and yard area for use as a waste transfer station. Includes associated car parking external storage area and weighbridge
<b>Location:</b>	210 metres south of 30 Low Road, Kileavey, Newry, BT35 8SU
<b>Planning Authority:</b>	Newry, Mourne and Down District Council
<b>Application Reference:</b>	LA07/2017/0114/F
<b>Procedure:</b>	Hearing on 13 June 2018
<b>Decision by:</b>	Commissioner Rosemary Daly, dated 30 August 2018

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## Decision

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

## Preliminary Issue

2. The appellant did not provide a statement of case within the required timescales as set out by the Commission. At the hearing the appellant stated in order to be helpful to the Council, they had sent a copy directly to the Council prior to the hearing. The representative from the Council stated that such action was inappropriate and that they had not had time to consider this evidence. Notwithstanding these concerns raised by the Council the appellant set out the reasons why the submission of the statement of case was late and concluded that they were happy to present their evidence orally at the appeal hearing.
3. In the Council's statement of case reason for refusal 5 relating to Planning Policy Statement 4 Planning and Economic Development were withdrawn. Additionally reason for refusal 3 was amended, to make reference to Policy WM2 of Planning Policy Statement 11 Planning and Waste Management

## Reasons

4. The main issues in this appeal relate to:
  - a. the principle of the development in the countryside;
  - b. the visual impact of the development on the character and appearance of the countryside in an Area of Outstanding Natural Beauty (AONB);
  - c. the impact of the development on the surrounding residents; and

- d. the impacts of the development on the flow of traffic and road safety in the area.
5. Section 6(4) of the Planning Act (Northern Ireland) 2011 requires that determination of proposals must be made in accordance with the local development plan unless material considerations indicate otherwise. The extant local development plan for the area is the Banbridge/Newry and Mourne Area Plan 2015 (BNMAP). The appeal site is located in the countryside area around 1 kilometre east of the village of Meigh. The site is located with the Ring of Gullion AONB which is noted in the plan but is not within the Ring of Gullion Special Countryside Area. The plan provides no specific policy provision for the consideration of the appeal development located in an AONB.
6. BNMAP does emphasis the Regional Development Strategy guidance which seeks to manage our waste sustainably. Page 42 (Vol 1) of the plan refers matters relating to waste are considered in the Waste Management Strategy for Northern Ireland and refers to the new approach to waste management driven forward by the UK and EU commitment to sustainable patterns of development which requires the reuse, recycling and recovery of material from our waste.
7. In respect of economic development the plan makes an allocation of some 170.66 hectares of land in settlements in Newry and Mourne area. No specific land is zoned for economic development in villages and small settlements except for an extension to the existing industrial estate at Jonesborough. The plan is silent on site specific waste management and economic uses in the open countryside.
8. The Strategic Planning Policy Statement for Northern Ireland 'Planning for Sustainable Development' (SPPS) is material to all decisions on individual planning applications and appeals. The SPPS retains policies within existing planning policy documents until such times as a Plan Strategy for the whole of the Council area has been adopted. It sets out transitional arrangements to be followed in the event of a conflict between the SPPS and retained policy. Any conflict between the SPPS and any policy retained under the transitional arrangements must be resolved in the favour of the provisions of the SPPS.
9. In respect of the appeal development no conflict arises between the SPPS and the prevailing regional policy set out by Planning Policy Statement 21 Sustainable Development in the Countryside (PPS21); Planning Policy Statement 11 Planning and Waste Management (PPS11); and Planning Policy Statement 2 Natural Heritage which makes policy provision for the consideration of new development in an AONB.
10. Policy CTY1 of PPS21 states there are a range of types of development which in principle is considered to be acceptable in the countryside and that will contribute to the aims of sustainable development. The policy sets out specific cases of non residential development where planning permission will be granted. None of these cases refer to the development of a waste transfer facility. Policy CTY1 continues to state that are a range of other types of non residential development that may be acceptable in principle in the countryside and that such proposals will continue to be considered in accordance with published planning policies. PPS11 sets out the prevailing policy for the development of waste management facilities.



11. The development on the site relates to the retention of a waste transfer facility with associated car parking and storage. The appellant's 'waste facility working plan (WFWP) states the facility receives recyclable material such as plastic, paper and cardboard. Table 1.4 Appendix 1 of the WFWP provides a list of the permitted wastes to the site. The WFWP states the wastes fall within non-hazardous or inert classification and that no putrescible or odorous wastes are accepted at this site. Table 5.1 of the WFWP also sets out the prescribed quantities of the permitted waste to be processed/stored on the site. At the appeal hearing the appellant stated that this amounted to around 30,000 tonnes of waste per year, some 60 to 70 tonnes of waste per day. The site does not include any waste disposal facilities. The appellant stated the parked lorries and vehicles around the site, which I note to be located outside the appeal site boundary, are not part of this application or relate to the waste transfer facility on the site therefore I am satisfied that the development does not relate to vehicle dismantling as referred to in paragraph 5.5 of the Council's statement of case.
12. The waste to the site is received directly from waste producers and also from third party waste contractors. A mix of dry recyclables are brought to the facility by skip lorries and rigid body lorries. Once unloaded the waste is segregated by type and baled. Segregated waste is then stored in designated storage areas waiting transfer off the site for further waste treatment and re-use.
13. The appellant stated that some 15 full time members of staff are employed at the premises. The WFWP states the hours of operation are from 7.00 am to 8.00 pm Monday to Friday, 7.00 am to 1.00 pm on Saturdays and closed on Sundays. At the appeal hearing the appellant stated that these hours of operation could be reduced to 8.00 am to 6.00 pm Monday to Friday, 8.00 am to 1.00 pm on Saturdays and closed on Sundays. It is these operating times that I will consider in this appeal.
14. Policy WM2 of PPS11 relates to waste collection and treatment facilities. It sets out the requirements for the development of a waste collection or treatment facility. Criterion (a) states development will be permitted where there is a need for the facility as established through the Waste Management Strategy for Northern Ireland (WMS) and the relevant Waste Management Plan (WMP) for the area. The need must be demonstrated to the satisfaction of the Department or in this instance the Planning Authority.
15. The appellant stated that the development on the site meets with the need for a spread of waste transfer facilities throughout the southern area. The appellant also stated development is in keeping with the waste management hierarchy as advocated in the Northern Ireland Waste Management Strategy (WMS) and the relevant Waste Management Plan (WMP) for the area (established by the Southern Waste Management Partnership (SWaMP)).
16. Furthermore the appellant also claimed the operation of the waste transfer facility operating with a waste management licence in accordance with the Waste Management Licensing Regulations (Northern Ireland) 2016, as amended, at the site since 2015 also established the need for the facility in the area. The WMS for Northern Ireland sets out a recycling target of 60% for local authority municipal waste by 2020, according to the appellant this target has now been increased to 75%.The appellant stated the Northern Ireland WMS advocates an integrated



network of waste transfer sites and the government targets relating to the reduction and reuse of waste as set by the WMS have not yet been met. The waste transfer facility is within the remit of a small scale operation working towards meeting the government targets.

17. The Council did not dispute the need for the waste transfer facility in accordance with the Waste Management Strategy and the relevant Waste Management Plan for the area. Their concern was to its location in an AONB. No persuasive evidence was presented to indicate that there is not a need for the facility. Taking account of appellant's evidence, at the hearing, the waste transfer facility is consistent with the approach to reuse, recycle and recover waste materials as indicated by the Northern Ireland WMS. On the whole I am satisfied, given the modest scale of the development which assists the sorting and recycling of materials and enables a spread of such facilities in the southern area is in accordance with the WMS and WMS. I have no reason to conclude that there is not a need for this waste transfer facility in this area. The appeal development is consistent with criterion (a) of Policy WM2.
18. The requirement of Criterion (b) of Policy WM2 relating to the Best Practicable Environmental Option (BPEO). Following the publication of the Waste Management Strategy 'Delivering Resource Efficiency' the Department issued an update to state it will no longer treat the BPEO as a material consideration in the planning process. This is therefore no longer a requirement in PPS11.
19. Criterion (c) of Policy WM2 sets out the locational criteria for such facilities. In respect of development in the countryside proposals should involve the reuse of existing buildings or is on land with or adjacent to existing building groups. It goes on to say alternatively where it is demonstrated that new buildings/plant are needed these must have an acceptable visual impact and environmental impact.
20. The appeal development is located immediately adjacent to an established complex of buildings located in the countryside. A map provided by the Council noted that the complex to which the appeal development relates comprises of seven buildings (the buildings were noted A3, B2, C1, D4, E6, F7, and G5). Four of the buildings directly front onto Low Road (A3, B2, C1, and D4). Appeal decisions 2007/E089 and 2007/E070 dated 15 June 2009 established that buildings A3, B2 and C1 located along the front part of Low Road were immune from enforcement. Additionally the hatched concrete area to the front of the building along Low Road is also immune from enforcement. Buildings A3, B2 are occupied by SVG Marble and Granite which is an established industrial/commercial use on the adjacent site.
21. Buildings E6 and E7 are not within the appeal site. The appeal development therefore relates to buildings C1, D4 and part of building G5. The building C1, D1 and part of G5 are now conjoined. The matters to be considered in this appeal are does the use of the existing building C1, the retention of building D4 and part of building G5 as a waste transfer station including the rear yard and associated development comply with the locational criteria as specified in criterion (c) of policy WM2.
22. Building C1 is a large established building on the site. Building D4 and the part of building G5 appears a side and rear extension to the main complex of buildings on

and adjacent to the appeal site. Buildings C1 and D4 are set back around some 17 metres from the front elevation of adjoining building that is occupied by SVG Marble and granite. Both the unauthorised buildings (D4 and G5) are subordinate in size and appearance to the main complex of established buildings. I do not consider the expansion of the established building complex by virtue of building D4 and part of G5 to give rise to an unacceptable visual appearance of itself on the surrounding character of the area. The appeal development involves the reuse of existing buildings and is on land adjacent and within an existing group of buildings in the countryside. The new plant, including the weigh bridge and rear yard required for the waste transfer station do not give rise to unacceptable visual or environmental impact as they are screened by the large building complex and the boundary vegetation around the rear part of the site. The development involves the reuse of an established building and is adjacent to an existing building group in the countryside. It therefore meets this element of the locational criteria in the countryside. The matters relating to the environmental and visual impact are considered further below.

23. Criterion (d) of Policy WM2 sets out further five criteria. Whilst I do not consider the development on the site to be of a regional scale it does benefit from easy access to Newry, close to B113 Forkhill Road which leads directly onto the A1 transport corridor. In any case I consider the appeal development sits favourably with this element of criterion (d).
24. For proposals involving the sorting and processing of waste, the criteria states they should be carried out within a purpose built or appropriately modified building unless it can be demonstrated that part or all of the proposed operation can only be carried out in the open. The appellant explained that waste materials are delivered to the site, transferred from lorries to the external enclosed yard to the rear. The waste materials are then brought into the buildings stored and are separated and sorted accordingly. The waste is then compacted into bails some of which are stored outside for collection by lorries to be transported off the site. The yard to the rear of the site is therefore used for delivery and collection of waste and the activity of sorting and processing the waste takes place internally. I am satisfied that the development on the site is consistent with this element of criterion (d).
25. The buildings comprise large warehouse buildings and associated yard appropriate for the sorting and processing of waste. The appellant advised that drainage measures, including an interceptor system, have been put in place to reduce the risk of any run off from the site. The existing building and the retention of the extension of this building have large doorways to permit access for large vehicles in and out of the buildings. The rear yard is surrounded by a high fence compound. The buildings and the yard of themselves appear appropriate for the nature for the type and amount of the waste brought to the site. The development does not involve hazardous waste or the incineration of waste. Furthermore the development does not directly involve the recovery of energy from waste brought to the site. The development on the site does not offend these elements of criterion (d).
26. The final element of criterion (d) is the development will not result in an unacceptable adverse environmental impact that cannot be prevented or appropriately controlled by mitigation measures (see Policy WM1). The Council's

- concerns relates to the proposal being compatible or sympathetic with the landscape character of the surrounding area located in an AONB.
27. The compatibility of the development with the character of the surrounding area is also a consideration of Policy WM1 of PPS11. Likewise Policy NH6 of PPS2 states that planning permission for new development in an AONB will only be granted where it is of an appropriate design, size and scale for the locality.
  28. The existing building complex is already an established feature in this part of the Slieve Gullion AONB. The Council stated that such uses would be better placed in an urban area. However the locational criteria for development in the countryside as expressed in Policy WM2 and the SPPS allows for the reuse of existing buildings or on land within and adjacent to existing building groups. The design, scale and size of the retention of the building to accommodate the appeal development appear compatible in the context of the adjoining established building complex. The rear yard is surrounded by mature vegetation which restricts views into the yard from the surrounding area.
  29. From the Forkhill Road, the settlement of Meigh, and from the railway line, only views of the front elevation of the building are possible and all these views are seen in conjunction with the established building complex the expansion of the building complex to include building D4 and G5 does not significantly alter the appearance and scale of the building complex on the appeal site and adjoining site. From these surrounding viewpoints only intermittent glimpse of the building located on the flat low lying land in the AONB are possible. Surrounding road side and field hedgerows and other buildings in the area substantially restrict views of the entirety of the building complex inclusive of the appeal development.
  30. From Slieve Gullion Country Park, views are from an elevated area looking down and over the wider landscape of the AONB. From here the existing building appears as an established complex dotted in the landscape surrounded by existing development and filtered by mature vegetation. The appeal development reads as part of the existing building complex and the retention of the extension (D4 and part of G5) does not significantly add to the appearance or scale of the existing complex when viewed from this area.
  31. Appeal decision 2012/A0316 related to the retention of the 5 sheds for agricultural use. In this appeal the Commissioner considered the visual impact of the complex of buildings in the area. I have also looked at the development from the surrounding road network along Low Road and Lower Newtown Road. In this close up area views of the development on the site are screened by roadside and intervening field boundaries. Only the upper half of the building complex is visible. The greatest visual impact is the larger part of the build complex, which is immune from enforcement, and is occupied by SVG Granite and Marble. The additional building (D4) add only marginally to the scale, appearance and size of the existing complex. The design, colour, scale of the appeal development match the existing building on the site. From a distance the building complex including the appeal site appear as one large unit. To the rear of the building complex and the yard, is substantially screened by rows of conifers along the field boundaries. The retention of this screening could be conditioned to ensure the level of screening is maintained to the rear part of the site.



32. Access to the site is via a shared access which permits traffic to the rear of the building and to the side and rear of the established building occupied by SVG Marble and Granite. The appearance of the access is not exacerbated by the use of the appeal site and is only visible from the roadside immediately in front of the complex of buildings.
33. Having made a visual assessment of the appeal development, including the use of the buildings, I have not been persuaded that the retention of buildings (D4 part of G5) or the use of established buildings on the site, as a waste transfer station, give rise to an unacceptable visual impact on the surrounding landscape or the character of the AONB. The appeal development therefore has an acceptable visual impact in accordance with the locational criteria specified in Policy WM2 for development in the countryside.
34. Additionally, taking account of the scale, nature and character of the surrounding area I do not find that the retention of building D4 or the use of the established buildings as a waste transfer station gives rise to concerns in respect of the criteria specified in Policy CTY 13 relating to the integration and design of buildings in the countryside or Policy CTY14 relating to rural character of PPS21. As concluded above I do not find the development to have an unacceptable visual impact and therefore I conclude the development does not offend this criterion of Policy WM1 of PPS11 as it is compatible with the character of the surrounding area. Accordingly the Council's reasons for refusal 2, 3, 6 and 7 are not sustained
35. The environmental criteria as expressed by Policy WM1 states that proposals for development should not give rise to harm to human health or result in an unacceptable adverse impact on the environment. Paragraph 4.11 of the SPPS states in respect of safeguarding residential amenity there are a wide range of environment and amenity considerations, including noise and air quality, which should be taken into account. The Council's reason for refusal 8 relates to concerns in respect of this element of Policy WM1 harm to the living conditions of the residents at Low Road due to the level of activity associated with the premises by reason of noise and general nuisance.
36. The appeal site is adjoined to an established industrial use (SVG Granite and Marble) along this part of the Low Road. The appellant's WFWP describes measure to control and monitor noise from the appeal site. A separate noise assessment (dated 28<sup>th</sup> April 2017) and an amended noise assessment (dated 7 August 2017) were undertaken and provided to the Council. The assessments took measurements from the surrounding sensitive noise receptors along Low Road and Lower Newtown Road. The conclusion of the assessments was there was no significant noise impact from the development and that the predicted noise levels do not exceed the World Health Organisation 'Guidelines for Community Noise' 50-55 dB L<sub>Aeq</sub> limits for external amenity space. The predicted noise levels are likely to fall within the range of 'Noticeable but not intrusive' as the site may be audible but regard to BS41423 it is not likely to exceed the existing ambient noise levels. The Environmental Health Department (EHD) of the Council considered the noise assessment and concluded they had no objections in respect of noise subject to the restrictions of the operation hours as set out in the appellant's WFWP.



37. A letter from 'very concerned residents' raised issues relating to noise from plant machinery and lorries. I note that noise from plant machinery and lorries loading and unloading at the site was considered in the noise assessment. The third party concerns were not substantiated with evidence to persuade me that the development gives rise to an unacceptable level of noise. Accordingly I find the evidence from the Council and EHD having considered the noise assessments in respect of the development to be significant in this case. Furthermore the restriction of the operating hours by means of a planning condition to those times suggested by the appellant would ensure that any noise impact could be limited to operating hours only. Accordingly the concerns relating to noise nuisance from the development are not determining in this case.
38. The Council stated the development gives rise to a general nuisance in this area more in keeping with an urban context such as in an industrial area. The Council did not expand further to outline what the source of the general nuisance concerns related to. To my mind, the Council when considering this issue does not take account of the adjacent established industrial use. The appeal development must be considered in its surrounding context. It was accepted that general nuisance such a litter, odour and vermin associated with such industrial site, particularly waste management sites were all issues that are monitored and controlled by the waste management licence, which the development also requires to lawfully operate. Part 5 of the appellant's WFWP sets out measures to manage and monitor amenity impacts relating to dust, fibres and particulates from the site, control of odours, noise, pests, scavenging birds and other scavengers and control of litter. The Council or third party objectors did not provide any persuasive evidence to demonstrate that these nuisance issues would cause a demonstrable harm to human health or an unacceptable adverse impact on the environment.
39. Third parties raised concerns relating to environmental pollution, dust and windblown rubbish around the area. Rivers Agency stated there are no designated watercourses within the site; the site does not lie within any flood plain therefore environmental pollution into surrounding watercourses is limited. At the appeal hearing the appellant stated that interceptors had been put in place to limit the impacts of drainage from the site. A condition restricting the type of waste (including the European Waste Catalogue Codes) is necessary to control the type of waste brought to and sorted on the site. This would also limit any environmental impacts from the development. In respect of concerns relating to rubbish and dust coming from the site I note that the appellant must adhere to the relevant precepts in respect of pollution prevention and that would be regulated by means of a waste management licence for the development which I note the appellant has applied for in this case. Accordingly I do not find these concerns to be determining in this case.
40. Section 4 of the appellant's WFWP describes how the site operations and includes measures to address fire management and prevention on the site. I note the third parties concerns of fire risk relating to the storage of a large amount of flammable material, these concerns were not substantiated with evidence to persuade me that the site give rise to an unacceptable risk of fire. Third parties stated that fires are lit on an ongoing basis which normally takes place after 6 pm in the evenings and weekends or bank holidays. No evidence was presented to demonstrate the nature and frequency of such fires. I therefore do find these allegations to be determining. Restricting the operating times, including bank holidays and public

holidays would mean that such activity on the site should not happen outside of operating hours. Accordingly these objections and the Council's reason for refusal 8 are not determining in this case and are not sustained.

41. Policy WM1 of PPS11 also requires that the road network can satisfactorily accommodate, or can be upgraded to accommodate, the traffic generated and that adequate arrangements shall be provided within the site for parking, servicing and circulation of vehicles. Third parties raised concerns relating to damage to country roads and potholes and danger of meeting lorries. These concerns were not supported with corroborative evidence. The Council's reason for refusal 9 raised related to the inadequate road infrastructure to facilitate the development and therefore give rise to concerns relating to road safety and the inconvenience to the flow of traffic.
42. At the appeal hearing the appellant stated that 15 staff are employed at the facility, but that most of the staff shared transport to and from the site. It was also stated that 3 HGV delivered/collected around some 60 to 70 tonnes of waste per day to and from the site. These traffic movements related to the prescribed quantity waste storage on the site. A condition ensuring the development relates to waste storage categories and quantities is necessary to control the scale of the development on the site.
43. The Low Road, which the site is accessed from, is a minor country road. In the area is a low bridge and level crossing associated with the neighbouring railway line. As part of the planning application the appellant had completed a transport assessment form. At the appeal hearing the representative from the Department of Infrastructure Roads Department (DFI) stated the further clarification at the hearing in respect of vehicle movements including the amount of waste moved on and off the site means they do not have concerns relating to the impacts of the development on road safety and the convenience of road users in the area. They accepted that visibility splays of 2.4 meters by 70 metre would be adequate to achieve a safe access to the site. It was noted that this requirement is achievable at the point of the existing access. Subject to a condition ensuring that visibility splays of 2.4 meters by 70 metres are provided at the point of access DFI stated they did not have any objection to the development on the site. Such visibility splays are necessary to ensure that the access will not prejudice the road safety or significantly inconvenience the flow of traffic onto the Low Road at the point of access to the site. No objections were raised by the Roads Department in respect of the internal servicing, parking and circulation on the site.
44. I have noted the third party concerns in respect of traffic on the road infrastructure in the area. As noted above a safe access can be achieved to facilitate the development onto Low Road, no persuasive evidence has been provided to lead me to consider the third party concerns over ride the opinion of the DFI Roads Department. I am satisfied the development can meet the necessary road safety requirements and adequate arrangements for traffic using the site as set by Policy WM1 of PPS11 and Planning Policy Statement 3 Access Movement and Traffic (PPS3). Accordingly the objections on road safety and the Council's reason for refusal 9 are not determining in this appeal.
45. Furthermore having now considered the impacts of the development on the surrounding environment, which I have found not to be determining and which can

- be controlled and managed to a great extent by the Waste Management Licence required to operate the waste transfer facility on this site. A breach of any of these issues could result in the loss of the necessary Waste Management Licence required to operate the facility. I therefore do not consider the development give rise to an unacceptable impact on the environment. The development therefore meets this part of the locational criteria for such development in the countryside in accordance with Policy WM2 of PPS11. The Council's reason for refusal is therefore not sustained.
46. The Council's fourth reason for refusal states that the proposal is contrary to the Local Development Plan as it falls outside the town centre boundary, industrial area as designated in the BNMAP. The Council noted that plan makes provision for sufficient industrial land to accommodate the development of a waste transfer station. As noted above the Council did not contest the need for the development but for its visual impact on the AONB. Paragraph 7.2 of the justification and amplification of Policy WM2 indicates policy is to seek to facilitate the increase in the number, type and range in size of waste treatment facilities in line with the WMS and the relevant WWP. BNMAP is silent on the locational requirements of such waste treatment facilities. The criteria and location requirements as set out in Policy WM2 of PPS11 and the SPPS makes provisions for such development in countryside areas. The appeal development satisfies the locational requirements for development in the countryside. Accordingly I consider the Council's reason for refusal 4 to be misplaced as a determining issue for such development in the countryside.
  47. Concerns were also raised about the development devaluing property in the area. The appeal site is adjacent to an existing industrial building in the countryside. I was told at the hearing that waste transfer station has been operating on the site for around 4 years. The third parties concerns were general and were not supported with evidence to demonstrate how the use of the site has resulted in a devaluation of properties in the area. Accordingly this concern is not determining in this case.
  48. All in all the appeal development for a waste transfer station and associated development is consistent with the requirements of WM1 and WM2 of PPS11 and that as expressed in the SPPS. The development meets the need to reduce and recycle waste in the southern area of Northern Ireland and meets the locational criteria for such development in the countryside. The development therefore does not offend policy CTY1, CTY13 or CTY14 of PPS21 or similar policies stated in the SPPS. Furthermore I do not find the development to be contrary to the BNMAP.
  49. The visual impacts of the development on the surrounding character of the area and the wider AONB are limited to the site and its immediate surroundings including the established building complex in the area. The design, size and scale of the development therefore have limited impact on the AONB and are consistent with policy NH6 of PPS2. Furthermore I have considered the impact of the development on the surrounding neighbouring amenity which I have found not to be determining in this case. The appeal development is therefore an acceptable other type of development in accordance with Policy CTY1 of PPS21, the Council's reason for refusal 1 is not sustained. As all of the Council's reasons for refusal have not been sustained the appeal is therefore allowed subject to the conditions set out below.



## Conditions

1. The hours of operation of the development hereby approved shall be limited to 8.00 am to 6.00 pm Monday to Friday and 8.00 am to 1.00 pm on Saturdays and closed all day on Sundays, bank holidays and public holidays. No machinery shall be operated, no processes shall be carried out and no deliveries taken at or dispatched from the site outside of these hours.
2. The waste materials to be accepted at the waste transfer facility hereby approved shall be restricted to those falling within the European Waste Catalogue Codes listed in the table below.

	<b>Waste from agriculture, horticulture, aquaculture, forestry, hunting and fishing</b>
02 01 04	waste plastics (except packaging)
02 01 10	waste metal
	<b>Waste from wood processing and the production of panels and furniture, pulp, paper and cardboard</b>
	<b>Waste from wood processing and the production of panels</b>
03 01 01	waste bark and cork
03 01 05	sawdust, shavings, cutting, wood, particle board and veneer other than those mentioned in 03 01 04
	<b>Waste from pulp, paper and cardboard production and processing</b>
03 03 01	waste bark and wood
03 03 07	mechanically separated rejects from pulping of waste paper and cardboard
03 03 08	wastes from sorting of paper and cardboard destined for recycling
03 03 10	fibre rejects, fibre, filler and coating sludge's from mechanical separation
	<b>Waste from the leather and fur textile industry</b>
04 02 09	wastes from composite materials (impregnated textile, elastomer, plastomer)
04 02 12	wastes from finishing other than in 04 02 14
04 02 21	wastes from unprocessed textile fibres
04 02 22	wastes from processed textile fibres
	<b>Waste from organic chemical processes</b>
07 02 13	waste plastic
07 02 17	wastes containing silicones other than those mentioned in 07 02 16
	<b>Wastes from photographic industry</b>
09 01 07	photographic film and silver and silver compounds
09 01 08	photographic film and paper free of silver and silver compounds
	<b>Wastes from thermal processes</b>
10 11 12	waste glass other than those mentioned in 10 11 11
	<b>Wastes from shaping and physical mechanical surface treatment of metals and plastic level</b>
12 01 05	plastics shavings and turnings
	<b>Waste packaging, absorbents, wiping cloths, filter materials and protective clothing not otherwise specified.</b>
15 01 01	paper and cardboard packaging
15 01 02	plastic packaging
15 01 03	wooden packaging
15 01 04	metallic packaging
15 01 06	mixed packaging
15 01 07	glass packaging
15 01 09	textile packaging
	<b>Absorbents, filter materials, wiping cloths and protective clothing</b>
15 02 03	absorbents, filter materials, wiping cloths and protective clothing other than those mentioned in 15 02 02
	<b>Wastes not otherwise specified in the list</b>
16 01 17	ferrous metals
16 01 18	non-ferrous metals
16 01 19	plastic



16 01 20	glass
	<b>Construction and demolition wastes (including excavated soil from contaminated sites).</b>
	<b>Concrete, bricks, tiles and ceramics</b>
17 01 01	Concrete
17 01 02	bricks
17 01 03	tiles and ceramics
17 01 07	mixtures of concrete, bricks, tiles and ceramics other than those mentioned in 17 01 06
	<b>Wood, glass and plastic</b>
17 02 01	Wood
17 02 02	glass
17 02 03	plastic
	<b>Metals (including their alloys)</b>
17 04 01	copper, bronze, brass
17 04 02	aluminium
17 04 03	lead
17 04 04	zinc
17 04 05	iron and steel
17 04 06	tin
17 04 07	mixed metals
17 04 11	cables other than those mentioned in 17 01 10
	<b>Soils (including excavated soil from contaminated sites) stones and dredging spoil</b>
17 05 04	soil and stones
	<b>Insulation materials and asbestos containing construction materials</b>
17 06 04	insulation materials other than those mentioned in 17 06 01 and 17 06 03
	<b>Gypsum based construction material</b>
17 08 02	gypsum-based construction materials other than those mentioned in 17 08 01
	<b>Other construction and demolition waste</b>
17 09 04	mixed construction and demolition wastes other than those mentioned in 17 09 01, 17 09 02 and 17 09 03
	<b>Waste from waste management facilities, off site waste water treatment plant and the preparation of water intended for human consumption</b>
	<b>Wastes from mechanical treatment of waste (for example sorting, crushing, compacting, palletising and otherwise specified)</b>
19 12 01	paper and cardboard
19 12 04	plastic and rubber
19 12 05	glass
19 12 07	wood other than that mentioned in 19 02 06
19 12 08	textiles
19 12 09	minerals (for example sand, stones)
	<b>Municipal waste (household waste and similar commercial industrial waste and institutional wastes) including separately collected fractions</b>
	<b>Separating collected fractions (except 15.01)</b>
20 01 01	paper and cardboard
20 01 02	glass
20 01 10	clothes
20 01 11	textiles
20 01 38	wood other than that mentioned in 20 01 37
20 01 39	plastics
20 01 40	metals
	<b>Garden and park waste</b>
20 02 02	soil and stones
20 02 03	other non-biodegradable wastes
	<b>Other municipal wastes</b>
20 03 01	mixed municipal waste
20 03 03	street-cleaning residues
20 03 07	bulky waste

3. Visibility splays of 24 metres by 70 metres should be provided at the point of access of the development onto the Low Road within 4 weeks of the date of this decision. Thereafter it should be permanently retained.
4. The existing mature boundary vegetation along the site's southern and eastern boundary shall be permanently retained at a height above 4 metres above ground level. Any vegetation along these boundaries that is removed or becoming seriously damaged shall be replaced with vegetation of a similar size and species unless the planning authority gives written consent to any variation.
5. The waste acceptance and storage thresholds on the site should not exceed the limits as set out on Table 1.5 below

<b>Table 1.5 Waste Storage</b>		
<b>Permitted Waste Categories</b>		<b>Maximum Permitted Quantities</b>
<b><u>Unprocessed waste</u></b>	Maximum Daily Intake	100 tonnes
	Maximum storage capacity	75 tonnes
	Maximum annual throughput	30,000 tonnes
	Maximum storage time	10 working days
<b><u>Segregated Wastes</u></b>	Scrap Metal	15 tonnes
	Wood	15 tonnes
	Paper and cardboard	75 tonnes
	Plastics	250 tonnes
	Residual Waste	25 tonnes
<b><u>Quarantined, non-permitted wastes</u></b>	Oil	500 litres
	Lead batteries	1 x 10m <sup>3</sup> battery box
	Gas bottles	1x2m <sup>3</sup> cage
	Tyres	20 tyres
Quarantined wastes should be removed from the site within 5 working days unless listed above.		

This decision is based on the following drawings:-

- Drawing 01 Site location Map date received 24 Jan 2017
- Drawing 02 WML Site Layout date received 24 Jan 2017
- Drawing 03 Figure 2 Site Layout date received 24 Jan 2017
- Drawing 04 Waste Transfer Station floor plan received 24 Jan 2017
- Drawing 05.Waste Transfer Station elevations received 24 Jan 2017
- Drawing 06 Site drainage plan received 24 Jan 2017
- Drawing 07 Site Access received 24 Jan 2017

**COMMISSIONER ROSEMARY DALY**

**List of Appearances**

Planning Authority:- Mr G Murtagh, Newry, Mourne and Down District Council  
Mr R Loughan, DFI Roads

Appellant:- Mrs G Jobling  
Mr V McGuinness

**List of Documents**

Planning Authority:- "A" Statement of Case and Appendices, Newry, Mourne and  
Down District Council  
PAC1 – Map defining buildings on the site and adjacent site

Appellant:- PAC2 Aerial photograph of the site







# Appeal Decision

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

<b>Appeal Reference:</b>	2018/A0008
<b>Appeal by:</b>	Mr Lindsay Martin
<b>Appeal against:</b>	The refusal of full planning permission
<b>Proposed Development:</b>	Retention of shed for equestrian use
<b>Location:</b>	To the rear of 23 Ballymaderphy Road, Lisnacree, Kilkeel
<b>Planning Authority:</b>	Newry, Mourne & Down District Council
<b>Application Reference:</b>	LA07/2017/0195/F
<b>Procedure:</b>	Written representations and Commissioner's site visit on 25 July 2018
<b>Decision by:</b>	Commissioner Brigid McGlinchey dated 6 August 2018

## Decision

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

## Reasons

2. The main issues in this appeal are whether the proposal is acceptable in principle in the countryside and whether the building integrates into the surrounding landscape.
3. The Planning Act (Northern Ireland) 2015 requires the Commission, in dealing with the appeal to have regard to the local development plan, so far as material to the planning application, and to any other material considerations. The Banbridge Newry & Mourne Area Plan 2015 operates as the local development plan for the area where the site is located. In the plan, the site lies in the countryside outside any settlements. The plan contains no provisions material to the site or the appeal proposal. The Strategic Planning Policy Statement for Northern Ireland (SPPS) is a material consideration. This policy document sets out the transitional arrangements that will operate until a local authority has adopted a Plan Strategy. During this transitional period planning authorities will apply the SPPS and retained policy documents.
4. Planning Policy Statement 21: Sustainable Development in the Countryside (PPS21) is a relevant retained policy document. Policy CTY1 of PPS21 lists the types of development which in principle are considered to be acceptable in the countryside and will contribute to the aims of sustainable development. It indicates that planning permission will be granted for outdoor sport and recreation uses in accordance with PPS8 (Planning Policy Statement 8: Open Space, Sport and Outdoor Recreation) which is another pertinent retained policy document in this case.

5. The proposal seeks the retention of a building which has been the subject of an unchallenged enforcement notice served in February 2010 which required the demolition of the building. The building is located to the rear of the appeal site behind a dwelling and garage positioned towards the site frontage. Though the appellant owns the dwelling and garage, he is not in control of the appeal building. Whilst previous planning applications have been submitted seeking the retention of the building for various uses and were deemed not to be acceptable, this does not preclude consideration of the appeal proposal.
6. Policy OS3 of PPS8 indicates that proposals for outdoor recreational use in the countryside will be permitted where all of eight criteria are met. The various types of outdoor recreational uses are referred to in the justification and amplification of the policy. Paragraph 5.33 specifically deals with 'Equestrian Uses' and states that outdoor participatory recreational uses such as riding schools will normally be considered acceptable in principle provided the scale of ancillary buildings is appropriate to its location and can be integrated into their landscape. Whilst only the example of riding schools is stated as being acceptable in principle, this would not bar consideration of other equestrian uses under the policy. The appellant indicated that the proposed equestrian use is to facilitate horse riding and that it is for commercial purposes. Though he has made reference to training and grooming horses in his comment on proposed draft conditions, the nature of the proposed equestrian business has not been clearly stated. Notwithstanding the lack of details regarding the proposal, the policy makes no distinction between types of equestrian uses or between private and commercial uses.
7. Paragraph 5.33 goes on to state that wherever possible, consideration should be given to the reuse of existing traditional or redundant farm buildings in association with such proposals. Although the building is not a farm building having been initially erected for servicing vehicles and is the subject of an enforcement notice, this does not prevent consideration of its acceptability for use for equestrian purposes under this policy. Though the building with a footprint of approximately 157sqm and a ridge height of 6.7m is relatively large compared to many typical buildings designed for domestic equestrian use, the appellant has indicated that proposal is commercial in nature. The appeal building is commensurate with the design and size of many outbuildings seen in the wider locality and the appellant has asserted that the scale and height of the building, which has a large sliding door on one gable, would facilitate loading and unloading of horseboxes and trailers.
8. None of the listed criteria to be met under Policy OS3 entails provision of supporting information to demonstrate that there is a need for this type of development within the rural area. The planning authority's argument presented in this regard is therefore misplaced. The concern as set out in its reason for refusal relates to criterion (iii). This criterion requires that there is no adverse impact on visual amenity or the character of the local landscape and the development can be readily absorbed into the landscape by taking advantage of existing vegetation and/or topography. The stated objection is that the development cannot be readily absorbed into the landscape due to the lack of existing vegetative screening.
9. This issue of impact of the building on the landscape under Policy OS3 overlaps with tests set out in Policy CTY13 of PPS21 which deals with the integration of buildings in the countryside. Policy CTY13 permits a building in the countryside



- where it can be visually integrated into the surrounding landscape and sets out criteria regarding the unacceptability of a building. The planning authority's objection under this policy relates to criteria (b), (c) and (f). Criterion (b) is where the site lacks long established natural boundaries or is unable to provide a suitable degree of enclosure for the building to integrate into the landscape. Criterion (c) is where it relies on the use of new landscaping for integration and criterion (f) is where it fails to blend with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop.
10. The subject building is positioned in a corner of the appeal site abutting a concrete wall which defines the rear boundary of the site and an existing hedgerow which runs along the north-eastern boundary. The other boundaries of the site are defined by concrete walls. The existing vegetative boundary, which is not depicted on the site layout plan, is low lying and provides limited screening for the appeal building and of itself would not provide a suitable degree of enclosure. Nevertheless, criterion (iii) of Policy OS3 also refers to topography as playing a role in absorbing development into the landscape whilst criterion (f) of Policy CTY13 makes reference to landform and natural features providing a backdrop.
  11. The planning authority accepts that the appeal site is located within a natural hollow in the landscape. From its identified critical viewpoint on the brow of a hill on the approach along Ballymaderphy Road from the south east which is approximately 150m from the appeal site, only the roof of the building is discernible. Due to the roadside hedge thereafter, views of the building are restricted until approximately 50m from the site. From this closer perspective, the building is seen in context with the dwelling with little appreciation of the actual separation distance between them. The building is seen against a backdrop of rising ground and a mature clump of vegetation to the east. This combination of natural features provide a sense of enclosure and assist with absorbing the building into the landscape and helps offset the absence of any landscape feature in the foreground. Nonetheless, the proposed semi-mature hedgerow and trees to be planted to the inside of the site boundary block wall as shown on the site layout plan submitted with the appellant's statement of case would add visual relief and improve the integration of the building into the landscape. The building however would not rely primarily on this new landscaping for integration.
  12. The other identified critical viewpoints are from the northwest approach along Ballymaderphy Road. Due to roadside hedges and vegetation, the available close range views towards the appeal site are limited and intermittent. The only sustained available perspectives are approximately between 130m - 200m from the appeal site. From these available mid-range viewpoints, the building is seen in the context of the site boundary hedge in the foreground and the rising ground beyond with prominent farm buildings seen on the ridge line. Though the separation distance of the building from the dwelling is more readily apparent from these perspectives, the prominent farm buildings in the distance are seen between them and ameliorates this disconnection. Notwithstanding the low height of the existing site boundary hedge, it in combination with the rising background terrain provides a sense of enclosure for the appeal building and assists with integrating it into the landscape. I consider that if the stretch of the boundary hedgerow extending beyond the rear of the dwelling was allowed to grow on, the visual integration of the building into the landscape would be improved.



13. The only other available viewpoint is from an elevated section of Balmaderphy Road which provides a limited long range view towards the appeal site from a distance of approximately 400m away. From here, the appeal building does not stand out as being overly prominent or adversely impacting on the visual amenity of the landscape among the myriad of the other built form seen in the same context.
14. I judge that the appeal building when seen from the available viewpoints can be absorbed into the landscape by taking advantage of the existing topography and other natural features including the existing boundary hedgerow. If this hedgerow is allowed to grow on and supplemented and if new additional planting of hedging on the opposite site boundary is established and grown on to a similar height and supplemented with trees, I consider that the proposal would have no adverse impact on the visual amenity and character of the area. Subject to the implementation of such appropriate landscaping conditions, the proposal would accord with criterion (iii) of Policy OS3 and would not offend criteria (b), (c) and (f) of Policy CTY13. The planning authority therefore has not sustained its second reason for refusal under Policy OS3 of PPS8 or its third reason for refusal under Policy CTY13 of PPS21.
15. Since the proposal epitomises an outdoor sport and recreation uses in accordance with PPS8, it represents one of the types of development which in principle is considered to be acceptable in the countryside under Policy CTY1 of PPS21. The planning authority therefore has not sustained its first reason for refusal. As none of the reasons for refusal have been upheld, the appeal succeeds subject to the imposition of appropriate conditions.
16. In order to prevent the shed being used for purposes unconnected with this permission, a condition tying the uses of the shed to equestrian uses is necessary. As the appellant has indicated that the commercial equestrian use might include training and grooming of horses, these activities should be incorporated into the planning authority's suggested draft condition. In the interests of road safety, the visibility splays at the point of access onto Balmaderphy Road as indicated on the site location plan submitted with the planning application should be laid out and cleared before the use of the building commences. The site is approximately level with the road and therefore the proposed condition regarding the gradient of the access is unnecessary. The access point into the shed is already 5m wide and extends back 10m from the road and the suggested condition in respect of this is also unnecessary.
17. To assist with integration, the existing hedgerow which is already in place and established along the north eastern boundary of the site should be retained and supplanted with new planting where necessary. Whilst the appellant submitted a site layout plan with landscaping in his statement of case, this did not allude to this boundary hedgerow. The stretch of the existing hedge to the rear of the dwelling should be allowed to grow on to a height of not less than 2m and maintained thereafter. This could be supplemented with new trees and planting within the site as shown on the appellant's layout drawing. The new planting along the south eastern boundary as shown in the appellant's drawing is necessary and also should be allowed to grow on to a minimum of height of 2m. Conditions to secure these landscaping actions are necessary.

## Conditions

- (1) The shed hereby approved shall be used for the purposes of keeping horses including training and grooming of horses and the storage of foodstuffs and other such related items. The shed shall not be used for any other commercial purposes.
- (2) The visibility splays and forward sight distance at the point of access onto Ballymaderphy Road shall be provided in accordance with Drawing 02 date stamped received on 3 February 2017 prior to the commencement of the use hereby permitted.
- (3) The area within the visibility splays shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway before the commencement of the use of the building and shall be retained and kept clear thereafter.
- (4) The existing hedgerow along the north eastern boundary of the appeal site shall be retained. The stretch of this hedge to the rear of the dwelling shall be allowed to grow on to a height of not less than 2 metres and shall be retained thereafter.
- (5) The new planting of hedging and trees along the south eastern boundary as shown in Drawing No. WD01 submitted with the appellant's statement of case shall be carried out in accordance with the approved details and the appropriate British Standard or other recognised Codes of Practice. The landscaping shall be carried out during the first available planting season after the date of this permission. The new hedgerow along the south eastern boundary shall be allowed to grow on to minimum height of 2m and retained thereafter.

Hedging or trees dying, removed or becoming seriously damaged within five years of being planted shall be replaced in the next planting season with others of a similar size and species unless the planning authority gives written consent to any variation.

This decision approves the following drawings submitted with the planning application:-

- Drwg. No. 01 – 1:1250 scale Site location plan;
- Drwg No. 02 – 1:100 scale Ground floor layout and elevations and 1:500 scale Site layout plan (except with respect to the concrete block wall along the north eastern boundary of the site); and
- Drwg. No. WD02 1:500 scale Site layout plan with landscaping schedule submitted with the appellant's statement of case.

**COMMISSIONER BRIGID McGLINCHEY**

**List of Documents**

Planning Authority:-

C1 Statement of case + Appendices

Appellant:-

A1 Statement of case + Appendices including visual analysis of the surrounding area and Site layout plan with proposed landscaping

A2 Rebuttal + Appendix





# Appeal Decision

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

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<b>Appeal Reference:</b>	2018/A0006
<b>Appeal by:</b>	Mr Mark Cooper
<b>Appeal against:</b>	Refusal of Full Planning Permission
<b>Proposed Development:</b>	Change of house type and amended access in substitution for P/2014/1233/F
<b>Location:</b>	55m NW of 48 (situated between Nos. 50 & 54 Tamnaharryhill Road , Mayobridge.
<b>Planning Authority:</b>	Newry, Mourne and Down District Council
<b>Application Reference:</b>	LA07/2017/0743/F
<b>Procedure:</b>	Written representations and accompanied site visit on 2 <sup>nd</sup> August 2018
<b>Decision by:</b>	Commissioner Helen Fitzsimons on 15th August 2018

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## Decision

1. The appeal is allowed subject to conditions.

## Reasons

2. The main issues in this appeal are whether the proposed development would provide a safe access arrangement onto Tamnaharryhill Road and if it represents an infill opportunity.
3. The appeal site is located outside any settlement limits as designated by the Banbridge, Newry and Mourne Area Plan 2015 (BNMAP) the local development plan which operates for the area. BNMAP offers no specific policy or guidance pertinent to the appeal site. Planning Policy Statement 3 'Access Movement and Parking' is a material consideration.
4. Policy AMP 2 of PPS 3 states that planning permission will be granted for a development proposal involving direct access onto a public road where (a) such an access will not prejudice road safety or significantly inconvenience the flow of traffic. .The Council and an objector raised concerns under this requirement.
5. Development Control Advice Note 15 (DCAN 15) 'Vehicular Access Standards' is Supplementary Planning Guidance which sets out the standards for vehicular accesses. The standard x distance for an access carrying up to 60 vehicles per day is 2.4m and this can be achieved at the access to the appeal site. The standards set out in Table B 'Y Distance and Forward Sight Visibility, are based on traffic speeds on the priority road. Transport NI estimate the speeds in both directions on this part of Tamnaharryhill Road to be in the region of 30 miles per hour given its proximity to its junction with the B7; the rising nature of the road;

2018/A0006



and the bend in and crest on the road just past No 51 Tamnaharryhill Road . I spent some time at the appeal site prior to the accompanied site visit observing the traffic movements on Tamnaharryhill Road and I agree with Transport NI that traffic speeds are unlikely to exceed 30mph in this location. From my observations the priority road is unlikely to carry more than 3000pd. Given this a 'Y' distance of 70m metres would be required in both directions. Notwithstanding that the Transport NI case officer estimated the distance and forward sight visibility to the right hand side (RHS) emerging to be 25m, at the site visit the Transport NI official measured the distance and forward sight visibility as 58m. Table B of DCAN 15 also provides a lesser requirement in each standard and this is known as the bracketed figure. Note one of Table B states that the values in the square brackets are permitted where visibility standards will not be reduced to such a level that danger is likely to be caused. Given my observations on the nature and of the road and speeds at this location and that the achievable visibility splay to the RHS exceeds the bracketed figure by some 13m I am satisfied that there would be no prejudice to the safety and convenience of road. There is a telegraph pole within the visibility splay and moving it to the rear of the verge, within which it is located, would ensure clear visibility on the RHS emerging.

6. The objector raised the matter of use of existing visibility from adjacent properties and that the appellant has not served notice. The appellant would not be carrying out any works to those existing visibility splays. The matter of visibility standards is to ensure a clear view. It is legitimate to take existing adjacent visibility splays into account in the assessment of a new adjacent access. I am satisfied that the appellant is in control of the land to the front of the appeal site and this sufficient for him to provide adequate visibility in conjunction with the existing clear views either side.
7. The Council's first reason for refusal based on Policy AMP 2 of PPS 3 is not sustained and the objector's concerns are not upheld.
8. Given that I have been able to determine the appeal on the information given by the appellant in writing and by Transport NI at the accompanied site visit the Council's second reason for refusal based on lack of information is not sustained.
9. Policy CTY 8 of PPS 21 'Ribbon Development' states 'planning permission will be refused for a building which creates or adds to a ribbon of development.' An exception will be permitted for the development of a small gap site sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built up frontage...' For the purpose of this policy the definition of a substantial and built up frontage includes a line of 3 or more buildings along a road frontage without accompanying development to the rear.
10. The objector raised the matter of the principle of the proposal as an infill development under Policy CTY 8. The appeal site is a small gap in a continuous and substantial built up frontage, comprising a dwelling at No 50 and a dwelling and garage at No 51 all with frontage to the road, which could accommodate one dwelling. I note that this was also the basis upon which extant planning permission P/2014/0223/F was granted by the Council on 5<sup>th</sup> August 2016. There is a laneway between the southern boundary of the appeal site and No 50 Tamnaharryhill Road, the objector told me that the Council has been recently rejecting proposals similar to this arrangement because the private roadway represents a break in the

road frontage and that the infill criteria for such sites are not fully met. However, he gave me no documentary evidence in support of his arguments in the form of planning decisions or case officer's reports.

11. The case officer's report for planning application P/2014/0223/F, which I requested from the Council, contains photographs showing a laneway in place on the southern side of the appeal site at the time that application was under consideration and subsequently approved, and therefore there is no change in circumstances regarding the configuration of the built up frontage. Taking account of this; the lack of documentary evidence in support of the objector's arguments; and that an extant planning permission remains in place I am not persuaded that his concerns under Policy CTY 8 of PPS 21 are determining in this appeal.

### Conditions

1. Before building works commence on the appeal site visibility splays of 2.4m x 70m to the south and 2.4m x 58m to the north of the junction of the access onto Tamnaharryhill Road shall be laid out and permanently retained and the telegraph pole located within the northern visibility splay shall be relocated to the back of the verge.
2. This permission shall be commenced within five years of the date of this decision.

This decision is based on the following drawings

- 1:1250 scale site location plan;
- 1:500 scale site plan
- 1:100 scale elevational drawing
- 1:100 scale plans and sections; and
- 1:100 scale floor plans

**COMMISSIONER HELEN FITZSIMONS**

**2018/A0006****Attendances**

Planning Authority:-	Mr G Murtagh (Newry Mourne and Down District Council) Mr O Laughlin (Transport NI) Mr J Killen
Appellant:-	Mr K J Sharry (Agent) Mr M Copper(Appellant)
Objector:-	Mr and Mrs Pollard

**List of Documents**

Planning Authority: -	C1 Written Statement and Appendices
Appellant:-	A1 Written Statement A 2 Comments
Objector:-	Obj 1 Written Statement



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<b>Appeal Reference:</b>	2017/A0252
<b>Appeal by:</b>	Stuart Moffett
<b>Appeal against:</b>	Refusal of Full Planning Permission
<b>Proposed Development:</b>	Erection of a Dwelling on a Farm.
<b>Location:</b>	15m west and to the rear of 81 Cloughanramer Road Newry
<b>Planning Authority:</b>	Newry Mourne and Down District Council
<b>Application Reference:</b>	LA07/2017/1175/F
<b>Procedure:</b>	Informal Hearing on 29 <sup>th</sup> June 2018
<b>Decision by:</b>	Commissioner Helen Fitzsimons on 30 <sup>th</sup> July 2018

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## Decision

1. The appeal is allowed subject to conditions.

## Reasons

2. The main issues in this appeal are whether the proposed development
  - is acceptable in principle in the countryside;
  - if it would result in ribbon development;
  - if it would have an adverse impact on the visual amenities of the countryside; and
  - whether it would erode rural character.
3. The appeal site is located outside any settlement limit and lies in the countryside as designated by Banbridge, Newry and Mourne Area Plan 2015 (BNMAP) the local development plan which operates for the area. The BNMAP offers no specific policy or guidance pertinent to the proposed development. The Strategic Planning Policy Statement for Northern Ireland (SPPS) retains a number of Planning Policy Statements (PPSs) one of which is PPS 21 'Sustainable Development in the Countryside'
4. Policy CTY 1 of PPS 21 states that 'there are a range of types of development which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development.' One of these is a dwelling on a farm in accordance with Policy CTY 10 of PPS 21. Policy CTY 10 states that planning permission will be granted for a dwelling house on a farm where all of three stated criteria can be met. The Council raise objections under criteria (a) that the farm business is currently active and (c) that the new buildings is visually linked or sited to cluster with an established group of buildings on the farm and where practicable access to the new dwelling should be obtained from an existing lane.



5. Footnote 26 of the SPPS states that for its purposes 'agricultural activity' is as defined by Article 4 of the European Council Regulations (EC) No. 1037/2013. At Article 4 (c) (i) agricultural activity means production, rearing or growing agricultural products, including harvesting, milking, breeding animals, and keeping animals for agricultural purposes.
6. The appellant presented me with evidence spanning a number of years which indicates that he grows and harvests silage for sale to other farmers. In order to establish active farming the period referred to in both PPS 21 and the SPPS is described as 'currently active' which to my mind means 'in the here and now'. At my site visit I observed that fields within the farm business, attributed to the appellant, had been recently cut and the Council Official concurred with this. He also said that at that time it would appear that the farm was active. There is nothing to dispute the evidence presented by the appellant or that the land is currently being actively farmed. That being so I must conclude that criterion (a) of Policy CTY 10 of PPS 21 is met.
7. The farm business is registered to the appellant at 79 Cloughanramer Road, a dwelling, and this dwelling is the farm house. Adjacent to this and in the farm yard is a shed which is in use as an impact vehicle recovery business by the appellant. It is the Council's view that this workshop is not a building associated with the farm business and should be discounted. The policy only requires that the new building is visually linked or sited to cluster with an established group of '*buildings on the farm*' it does not specify that they must be in use with the farm business. There is no evidence that the shed has been 'hived off' from the farm and so it is a building on the farm irrespective of what it is being used for. The appeal proposal would be viewed with this building when seen from Cloughanramer Road both at the access to the proposed dwelling and between Nos. 77-81. It is proposed to construct a new access to the proposed dwelling from west of No 77 Cloughanramer Road by upgrading an existing agricultural lane. Criterion (c) of Policy CTY 10 is met.
8. An exception under Policy CTY 8 of PPS 21 'Ribbon Development' states that planning permission will be refused for a building which creates or adds to a ribbon of development. Paragraph 5.33 of Policy CTY 8 says that 'A ribbon' does not necessarily have to be served by individual accesses nor have a continuous or uniform buildings line. Buildings sited back, staggered or at angles and with gaps between them can still represent ribbon development, if they have a common frontage or are visually linked. The council considered that the siting of the proposed new dwelling and its access behind this row of dwellings would extend the ribbon to the east beyond a bend in the road. I accept that there would be a visual linkage between the existing ribbon and the proposed development however, given the set back from the road and that the existing ribbon appears as a linear form of development extending from north to south west of the appeal site I do not consider that the proposed development would add to the existing ribbon of development. The Council has not sustained its second reason for refusal based on Policy CTY 8 of PPS 21.
9. As The proposed development meets the requirements of Policy CTY 10 'Dwellings on Farms' of PPS 21 and does not offend the requirements of Policy CTY 8 'Ribbon Development' it is acceptable in principle in the Countryside and Policy CTY 1 of PPS 21 is also met. The Council has not sustained its first reason for refusal.

10. Policy CTY 13 of PPS 21 'Integration and Design of Buildings in the Countryside' states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of appropriate design. A new building will not be acceptable in seven stated circumstances. The Council raised objections under three of those circumstances (b) that the site lacks long established boundaries; (c) it relies primarily on the use of new landscaping for integration; and (d) the ancillary works do not integrate with their surroundings. Paragraph 5.59 of Policy CTY 13 says that 'the main criteria against which the degree of visual impact will be considered include the location of the site within the landscape, the position of the building within the site and its relationship with surrounding buildings.' Paragraph 5.41 of Policy CTY 10 implicitly acknowledges that the existing farm group or application site may not be well landscaped and allows for the presence of existing vegetation to be discounted when making a visual assessment of proposals. When seen from the Council's identified vantage point the proposed development would be viewed with the existing buildings on the farm with little appreciation of any physical separation that may exist between the proposed new dwelling and the shed. I accept that new planting would be required on the undefined north and western boundaries of the appeal site and along the access lane to aid with integration. However, given that the thrust of Policy CTY 10 is to group new development with existing groups of buildings I find, on balance, the failure of the appeal proposal to meet those specific requirements of Policy CTY 13 outweighed by the requirements of Policy CTY 10 for dwellings on farms. The Council has not sustained its fourth for refusal based on Policy CTY 13 of PPS 21.
11. Policy CTY 14 'Rural Character' provides for the grant of planning permission for a building in the countryside where it does not cause a detrimental change to, or further erode rural character. A new building will be unacceptable for five stated reasons. The Council raised objections under reason (b) its results in a suburban style build up of development when viewed with existing and approved buildings (d) it creates or adds to a ribbon of development and (e) the impact of ancillary works would damage rural character. As the proposed development is sited to be visually linked to existing buildings on the farm in accordance with the overall thrust of PPS 21 which is to group new buildings with existing development it is not a suburban form of development; I have already found that the proposed development would not result in ribbon; and given my conclusions regarding the need for new planting and that planting would aid integration the impact of the ancillary works would not appear suburban in form. The proposed development would not fail any of the requirements of Policy CTY 14 of PPS 21 and the Council has not sustained its fifth reason for refusal.

### Conditions

1. Before building works commence the visibility splays identified on drawing numbered 1661-15/01 shall be laid out at the junction of the access lane with Cloughanramer Road and permanently retained.

2. No development shall take place until there has been submitted to and approved by the planning authority a landscaping scheme showing trees and hedgerows to be provided along the northern and western boundaries of the site and the location, numbers, species and sizes of trees and shrubs to be planted within the site. The scheme of planting as finally approved shall be carried out during the first planting season after the commencement of the development. Trees or shrubs dying, removed or becoming seriously damaged within five years of being planted shall be replaced in the next planting season with others of a similar size and species unless the planning authority gives written consent to any variation.
  
3. The development shall be begun before the expiration of five years from the date of this permission.

This decision is based on the 1:1250 scale site location plan and the drawing numbered Job No 1661-15/01

**COMMISSIONER HELEN FITZSIMONS**

**2017/A0252****List of Documents**

Planning Authority: -  
Post Hearing  
Appellant:-  
Post Hearing

C1 Written Statement  
C2 Planning History  
A1 Written Statement and Appendices  
A2 Letter of Offer; Certificates and Newspaper Article

**Attendances**

Planning Authority:-  
Appellant:-

Mr G Murtagh  
Mr T Wilson (Tom Wilson Planning )  
Mr M Byrne ( Building Design)





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BT2 7AG  
T: 028 9024 4710  
F: 028 9031 2536  
E: info@pacni.gov.uk

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<b>Appeal Reference:</b>	2018/A0003
<b>Appeal by:</b>	Mr Philip Prescott
<b>Appeal against:</b>	Refusal of Full Planning Permission
<b>Proposed Development:</b>	Retention of replacement domestic garage
<b>Location:</b>	32 Dunnaval Road, Kilkeel
<b>Planning Authority:</b>	Newry, Mourne and Down District Council
<b>Application Reference:</b>	LA07/2017/1663/F
<b>Procedure:</b>	Written Representations with Commissioner's site visit on 26 <sup>th</sup> July 2018
<b>Decision by:</b>	Commissioner Helen Fitzsimons on 9th August 2018

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## Decision

1. The appeal is allowed subject to conditions.

## Reasons

2. The main issues in this appeal are whether the proposed development would;-
  - be sympathetic with the built form and appearance of the existing property;
  - detract from the character and appearance of the surrounding area;
  - have an adverse impact on residential amenity; and
  - be unsympathetic to the character of the Mournes Area of Outstanding Natural Beauty (AONB).
3. The appeal site is located within the settlement limits of Dunnaval/Ballyardle by virtue of Designation DB01 in the Banbridge, Newry and Mourne Area Plan 2015 (BNMAP) the local development plan which operates for the area. BNMAP offers no specific policy or guidance pertinent to the appeal site. The first Addendum to Planning Policy Statement 7 'Quality Residential Environments' entitled 'Residential Extensions and Alterations' states that planning permission will be granted for a proposal to extend or alter a residential property where all of four stated criteria are met. The Council raised objections under criteria (a) that the scale, massing, design and external materials of the proposal are sympathetic with the built form and appearance of the existing property and will not detract from the appearance and character of the surrounding area; and (b) that the proposal does not unduly affect the privacy or amenity of neighbouring residents
4. Paragraph A11 of the Addendum says that garages and other associated outbuildings should be subordinate in scale and similar in style to the existing property, taking account of materials, the local character and the level of visibility of

the building from surrounding views. The appeal site comprises the appellant's single storey dwelling sited in a generously sized plot that sits above road level. It is bounded on either side by dwellings and a business park is located immediately opposite. The front elevation of the dwelling faces the road with a 'gazebo' like structure on its western elevation. The garage is sited in the western corner of the plot behind the dwelling. The 'gazebo' like structure and vegetation within the plot serve to limit views of the garage to partially across the frontage of the appeal site. The garage measures 10m x 11.8m and is 6m in height. It is finished in painted render to match the house. From the road, albeit that it is a large structure, because of the limited views it appears subordinate to the main dwelling. It is sympathetic with the built form and appearance of the existing property and it does not detract from the appearance and character of the surrounding area. Criterion (a) of Policy EXT 1 of the first Addendum to PPS 7 is met.

5. The vehicular entrance to the garage is via a large roller shutter door, which is not an uncommon arrangement for modern domestic garages. There is a second 'domestic' door to the garage and this serves an area where there is a fridge/freezer, sink and washing machine; a common utility space arrangement for many households. At my site visit I noted four cars and a van within the garage which belong to the appellant and his family members. There is a mechanic's tool box situated at the rear of the garage, which would be used where an occupier carries out repairs to his own vehicles. The interior of the garage; its outer areas; and around the dwelling show no signs of oil stains, which one might expect from a commercial garage. I was given no evidence by the Council of vehicles calling to the appeal site for car repairs; that the appellant is employed as a mechanic; or any other evidence to persuade me that the garage is being used for commercial purposes. In addition I noted no signage at the property. On the balance of what I observed at my site visit, and in the absence of any other evidence, I am satisfied that the garage is in domestic use, and that any car repairs are on a hobby basis. A planning condition would ensure that this remains the case. Given all of this I am satisfied that there would be no adverse impact on the residential amenities of adjacent occupiers by virtue of commercial car repair activities. Criterion (b) of Policy EXT 1 of the first Addendum to PPS 7 is met.
6. As I have concluded that both criteria (a) and (b) of Policy EXT 1 of the first Addendum to PPS 7 are met the Council has not sustained its first reason for refusal.
7. Policy NH 6 of Planning Policy Statement 2 'Natural Heritage' states that Planning permission for new development within an Area of Outstanding Natural Beauty will only be granted where it is of an appropriate design, size and scale for the locality and where three stated criteria are met. The Council raised objections under criterion (a) that the siting and scale of the proposal is sympathetic to the special character of the Area of Outstanding Natural Beauty in general and of the particular locality. The appeal site is located in an urban area within the AONB. It is surrounded by built development and there is little appreciation of the special character and landscape value of the AONB at this location. The addition of the garage on the appeal site does not appear as out of character with its surroundings and consequently is not unsympathetic to the special character of the AONB. The Council has not sustained its second reason for refusal based on Policy NH 6 of PPS 2.

**Conditions**

1. The garage shall only be used for domestic purposes incidental to the residential use of No. 32 Dunnaval Road.

This decision is based on the 1:1250 scale site location plan; the 1:100 scale elevations drawing and the 1:100 scale proposed floor plan and elevations.

**COMMISSIONER HELEN FITZSIMONS**

**2018/A0003**

**List of Documents**

Planning Authority: -

C1 Written Statement and Appendices  
C2 Comments

Appellant:-  
Post Hearing

A1 Written Statement  
A2 Comments



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

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DATE OF MEETING	PLANNING OFFICER'S NAME/S	PUBLIC REPRESENTATIVE'S NAME
23/04/2018	A McAlarney	Cllr W Walker Cllr T Andrews
27/04/2018	A McAlarney	Cllr R Burgess
30/04/2018	A McAlarney	Cllr W Walker
30/04/2018	A McAlarney	Cllr Fitzpatrick
10/05/2018	A McAlarney	Colin McGrath MLA
31/05/2018	A McAlarney	Cllr Rice
04/06/2018	A McAlarney	Cllr McMurray
29/06/2018	G Kerr	Cllr B Quinn
10/07/2018	G Kerr / P Smyth	Cllr B Quinn
17/07/2018	A McAlarney	Colin McGrath MLA
09/08/2018	G Kerr / P Smyth	Cllr B Quinn
14/08/2018	A McAlarney	Cllr W Walker

## Newry, Mourne & Down District Council – August 2018

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### 1. Live Applications

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

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

Month 2017/18	Under 6 months	Between 6 and 12 months	Between 12 and 18 months	Between 18 and 24 months	Over 24 months	Total
April	510	182	79	33	110	<b>914</b>
May	506	193	78	33	106	<b>916</b>
June	483	201	84	33	108	<b>909</b>
July	540	189	90	34	107	<b>960</b>
August	482	187	99	34	111	<b>913</b>

### 3. Live applications per Case Officer

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

## Newry, Mourne & Down District Council – August 2018

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### 4. Decisions issued per month

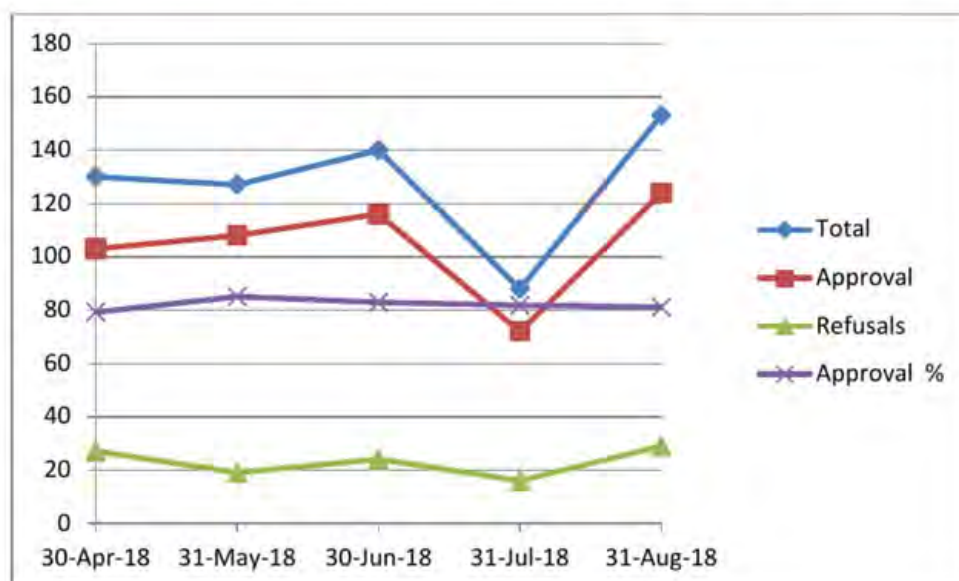
Month 2017/18	Number of Decisions Issued	Number of Decisions Issued under delegated authority
April	130	111
May	127	119
June	140	130
July	88	78
August	153	141

### 5. Decisions Issued YTD

Month 2017/18	Number of Decisions Issued	Breakdown of Decisions	
		Approvals	Refusals
April	130	Approvals (103)	79%
		Refusals (27)	21%
May	257	Approvals (211)	82%
		Refusals (46)	18%
June	397	Approvals (327)	82%
		Refusals (70)	18%
July	485	Approvals (399)	82%
		Refusals (86)	18%
August	638	Approvals (523)	82%
		Refusals (115)	18%

## Newry, Mourne &amp; Down District Council – August 2018

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**6. Enforcement Live cases**

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

**7. Planning Committee**

Month	Number of Applications presented to Committee	Number of Applications Determined by Committee	Number of Applications Withdrawn/Deferred for future meeting
11 April 2018	25	20	5
9 May 2018	17	10	7
6 June 2018	13	5	8*
4 July 2018	14	6	8
1 August 2018	12	8	4
29 August 2018	13	4	9
<b>Totals</b>	<b>94</b>	<b>53</b>	<b>41</b>

\* 1 application withdrawn by Applicant



## Newry, Mourne & Down District Council – August 2018

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### 8. Appeals

#### Planning Appeal Commission Decisions issued during July 2018

Area	Number of current appeals	Number of decisions issued	Number of decisions Allowed	Number of decisions Dismissed	Other decisions
Newry & Mourne	12	5	5	0	0
Down	7	0	0	0	0
<b>TOTAL</b>	<b>19</b>	<b>5</b>	<b>5</b>	<b>0</b>	<b>0</b>

## Newry, Mourne & Down District Council – August 2018

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Statutory targets monthly update - up to July 2018 (unvalidated management information)

Newry, Mourne and Down

	Major applications (target of 30 weeks)				Local applications (target of 15 weeks)				Cases concluded (target of 39 weeks)			
	Number received	Number decided/withdrawn <sup>1</sup>	Average processing time <sup>2</sup>	% of cases processed within 30 weeks	Number received	Number decided/withdrawn <sup>1</sup>	Average processing time <sup>2</sup>	% of cases processed within 15 weeks	Number opened	Number brought to conclusion <sup>3</sup>	"70%" conclusion time <sup>3</sup>	% of cases concluded within 39 weeks
April	0	2	110.4	0.0%	100	109	14.0	52.3%	49	6	170.2	66.7%
May	0	2	67.3	0.0%	116	118	16.9	43.2%	50	14	48.3	64.3%
June	1	1	20.2	100.0%	135	132	15.1	50.0%	49	25	49.2	60.0%
July	0	-	0.0	0.0%	107	81	15.2	49.4%	39	7	52.8	71.4%
August	0	-	0.0	0.0%	0	-	0.0	0.0%	0	-	0.0	0.0%
September	0	-	0.0	0.0%	0	-	0.0	0.0%	0	-	0.0	0.0%
October	0	-	0.0	0.0%	0	-	0.0	0.0%	0	-	0.0	0.0%
November	0	-	0.0	0.0%	0	-	0.0	0.0%	0	-	0.0	0.0%
December	0	-	0.0	0.0%	0	-	0.0	0.0%	0	-	0.0	0.0%
January	0	-	0.0	0.0%	0	-	0.0	0.0%	0	-	0.0	0.0%
February	0	-	0.0	0.0%	0	-	0.0	0.0%	0	-	0.0	0.0%
March	0	-	0.0	0.0%	0	-	0.0	0.0%	0	-	0.0	0.0%
<b>Year to date</b>	<b>1</b>	<b>5</b>	<b>48.6</b>	<b>20.0%</b>	<b>458</b>	<b>440</b>	<b>15.4</b>	<b>48.6%</b>	<b>187</b>	<b>52</b>	<b>48.0</b>	<b>63.5%</b>

Source: NI Planning Portal

### Notes:

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

2. The time taken to process a decision/withdrawal is calculated from the date on which an application is deemed valid to the date on which the decision is issued or the application is withdrawn. 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".

## Newry, Mourne & Down District Council – August 2018

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*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.*

### Current Appeals

**AUTHORITY** Newry, Mourne and Down

**ITEM NO** 1  
**Planning Ref:** LA07/2017/0687/ **PAC Ref:** 2017/A0168  
**APPELLANT** Steven And Diane Campbell **DEA** The Mournes  
**LOCATION** 30m North Of 94 Greencastle Road  
 Kilkeel  
 RT34 4PF  
**PROPOSAL** Infill site for new dwelling and garage in existing cluster (amended plans)

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

**ITEM NO** 2  
**Planning Ref:** LA07/2017/0786/ **PAC Ref:** 2017/A0178  
**APPELLANT** Walter Watson **DEA** Slieve Croob  
**LOCATION** 4 Drumnaquoile Road  
 Castlewellan  
**PROPOSAL** Replacement dwelling and detached garage

**APPEAL TYPE** DC- Refusal of Planning Permission  
**Appeal Procedure** **Date Appeal Lodged** 04/12/2017  
**Date of Hearing**  
**Date Statement of Case Due for Hearing**  
**Date Statement of Case Due - Written Representation**  
**Date of Site Visit**



## Current Appeals

162

<b>ITEM NO</b>	<b>3</b>	<b>PAC Ref:</b>	2017/A0188
<b>Planning Ref:</b>	LA07/2017/0319/	<b>DEA</b>	Slieve Gullion
<b>APPELLANT</b>	Mr Sean O'Hare		
<b>LOCATION</b>	10A Limekiln Road Newry		
<b>PROPOSAL</b>	RT35.71 X Retention of authorised treatment facility for end-of-life vehicles, including access road and all associated site infrastructure, including areas of hardstanding, drainage systems, all buildings, structures, racks, fencing and gates		
<b>APPEAL TYPE</b>	DC- Refusal of Planning Permission		
<b>Appeal Procedure</b>	<b>Informal Hearing</b>	<b>Date Appeal Lodged</b>	12/12/2017
<b>Date of Hearing</b>		<b>18/04/2018</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>PAC Ref:</b>	2017/A0213
<b>Planning Ref:</b>	LA07/2016/0952/	<b>DEA</b>	Newry
<b>APPELLANT</b>	D & M Downey		
<b>LOCATION</b>	113-117 Dublin Road Newry		
<b>PROPOSAL</b>	RT35.8QP Sub-division of part of existing bulky goods retail warehouse (No 115) to provide 3 No. ground floor class A1 retail units with new shopfronts (the 3 No. units to operate without compliance with the bulky goods condition on approval P/1993/0605); and western extension of site area		
<b>APPEAL TYPE</b>	DC- Refusal of Planning Permission		
<b>Appeal Procedure</b>	<b>Informal Hearing</b>	<b>Date Appeal Lodged</b>	18/01/2018
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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## Current Appeals

163

<b>ITEM NO</b>	<b>5</b>	<b>PAC Ref:</b>	2018/A0026
<b>Planning Ref:</b>	LA07/2015/0461/	<b>DEA</b>	Croilieve
<b>APPELLANT LOCATION</b>	John Mackin 72 Ballyvalley Road Mayobridge		
<b>PROPOSAL</b>	Replacement dwelling		
<b>APPEAL TYPE</b>	DC - Conditions of Approval		
<b>Appeal Procedure</b>	<b>Written Reps with Site Visit</b>	<b>Date Appeal Lodged</b>	29/05/2018
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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<b>ITEM NO</b>	<b>6</b>	<b>PAC Ref:</b>	2018/A0027
<b>Planning Ref:</b>	LA07/2016/1407/	<b>DEA</b>	The Mournes
<b>APPELLANT LOCATION</b>	Richard Newell 75A Glassdrumman Road Annalong		
<b>PROPOSAL</b>	<del>Co. Down</del> Proposed extension of curtilage of existing dwelling house and retention of existing Domestic Boat House and Yard		
<b>APPEAL TYPE</b>	DC- Refusal of Planning Permission		
<b>Appeal Procedure</b>	<b>Written Reps</b>	<b>Date Appeal Lodged</b>	30/05/2018
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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## Current Appeals

164

<b>ITEM NO</b>	<b>7</b>	<b>PAC Ref:</b>	2018/A0029
<b>Planning Ref:</b>	LA07/2016/1276/	<b>DEA</b>	Rowallane
<b>APPELLANT</b>	Mr D Boal		
<b>LOCATION</b>	3 Main Street Ballynahinch		
<b>PROPOSAL</b>	Subdivision of existing retail unit to 2No. Retail Units and Change of Use to 4No apartments with extension to first floor to provide 2No. Apartments		
<b>APPEAL TYPE</b>	DC- Refusal of Planning Permission		
<b>Appeal Procedure</b>		<b>Date Appeal Lodged</b>	01/06/2018
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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<b>ITEM NO</b>	<b>8</b>	<b>PAC Ref:</b>	2018/A0030
<b>Planning Ref:</b>	LA07/2017/1192/	<b>DEA</b>	Newry
<b>APPELLANT</b>	Tranquility Ireland		
<b>LOCATION</b>	97 Fathom Line Fathom Lower (Main Portion)		
<b>PROPOSAL</b>	Retention of change of use of domestic dwelling and garage to three short term holiday let accommodation with alterations		
<b>APPEAL TYPE</b>	DC- Refusal of Planning Permission		
<b>Appeal Procedure</b>	<b>Written Reps with Site Visit</b>	<b>Date Appeal Lodged</b>	01/06/2018
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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## Current Appeals

165

<b>ITEM NO</b>	<b>9</b>		
<b>Planning Ref:</b>	LA07/2017/0969/	<b>PAC Ref:</b>	2018/A0046
<b>APPELLANT</b>	Mr Peter Clerkin	<b>DEA</b>	Crotlieve
<b>LOCATION</b>	160m South Of 106 Leitrim Road Hilltown		
<b>PROPOSAL</b>	Proposed retention and extension of farm shed (amended address)		
<b>APPEAL TYPE</b>	DC- Refusal of Planning Permission		
<b>Appeal Procedure</b>	<b>Written Reps</b>	<b>Date Appeal Lodged</b>	11/07/2018
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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<b>ITEM NO</b>	<b>10</b>		
<b>Planning Ref:</b>	LA07/2017/0492/	<b>PAC Ref:</b>	2018/A0050
<b>APPELLANT</b>	East Coast Coaches	<b>DEA</b>	Crotlieve
<b>LOCATION</b>	70 Metres East Of 72 Rathfriland Road Newry		
<b>PROPOSAL</b>	Temporary permission for hard standing (area to be used for the parking and turning of coaches associated with existing bus and taxi depot)		
<b>APPEAL TYPE</b>	DC- Refusal of Planning Permission		
<b>Appeal Procedure</b>	<b>Informal Hearing</b>	<b>Date Appeal Lodged</b>	17/07/2018
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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## Current Appeals

166

<b>ITEM NO</b>	<b>11</b>		
<b>Planning Ref:</b>	R/2014/0079/F	<b>PAC Ref:</b>	2018/A0054
<b>APPELLANT</b>	Mr Brendan Maginn	<b>DEA</b>	The Mournes
<b>LOCATION</b>	Approx 285m South West Of No 63 Dundrine Road Castlewellan		
<b>PROPOSAL</b>	Retention of as constructed 225 kw wind turbine with a tower height of 39.5m (to supersede previous wind turbine approval ref R/2010/0555/F)		
	(Additional surveys/info received)		
<b>APPEAL TYPE</b>	DC- Refusal of Planning Permission		
<b>Appeal Procedure</b>		<b>Date Appeal Lodged</b>	30/07/2018
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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<b>ITEM NO</b>	<b>12</b>		
<b>Planning Ref:</b>	LA07/2018/0645/	<b>PAC Ref:</b>	2018/A0058
<b>APPELLANT</b>	Mr William McDonnell	<b>DEA</b>	Crotlieve
<b>LOCATION</b>	Opposite 60 Derryleckagh Road On Aughnagun Road Newry		
<b>PROPOSAL</b>	Change of house type and garage from previously approved under planning ref. P/2007/0735/RM		
<b>APPEAL TYPE</b>	DC- Refusal of Planning Permission		
<b>Appeal Procedure</b>	<b>Informal Hearing</b>	<b>Date Appeal Lodged</b>	02/08/2018
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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## Current Appeals

167

<b>ITEM NO</b>	<b>13</b>	<b>PAC Ref:</b>	2018/A0064
<b>Planning Ref:</b>	LA07/2017/1802/	<b>DEA</b>	Slieve Gullion
<b>APPELLANT</b>	Mrs Bridget Hasson		
<b>LOCATION</b>	80m North East Of No 50 Malahy Conlon Park Cullaville Road		
<b>PROPOSAL</b>	<sup>Cullaville</sup> Proposed infill dwelling and domestic garage		

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

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<b>ITEM NO</b>	<b>14</b>	<b>PAC Ref:</b>	2018/A0065/F
<b>Planning Ref:</b>	LA07/2017/1668/	<b>DEA</b>	Rowallane
<b>APPELLANT</b>	Mr & Mrs Joseph Bell		
<b>LOCATION</b>	33 Cluntagh Road Crossgar		
<b>PROPOSAL</b>	<sup>RT30 9FT</sup> Conversion of stables to domestic annex to be used as granny flat		

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

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### Current Appeals

**ITEM NO** 15  
**Planning Ref:** LA07/2017/1394/  
**APPELLANT** Mr B And Mrs A Gibney  
**LOCATION** 80m East Of 89 Demesne Road  
 Edendarriff  
 Rallynahinch  
**PROPOSAL** Dwelling and garage on a farm

**PAC Ref:** 2018/A0066  
**DEA** Slieve Croob

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

**ITEM NO** 16  
**Planning Ref:** LA07/2018/0747/  
**APPELLANT** Joan Henderson  
**LOCATION** 200m South East 21 Levallyreagh Road  
 Rostrevor  
 Newry  
**PROPOSAL**

**PAC Ref:** 2018/A0079  
**DEA** Crotlieve

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

### Current Appeals

**ITEM NO** 17  
**Planning Ref:** LA07/2018/0464/ **PAC Ref:** 2018/A0080  
**APPELLANT** Mary Slane **DEA** Newry  
**LOCATION** Between No. 34 And 38 Seafin Road  
 Killeavy  
 Meigh  
**PROPOSAL** Dwelling and garage (amended address)

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

**ITEM NO** 18  
**Planning Ref:** LA07/2018/0220/ **PAC Ref:** 2018/A0085  
**APPELLANT** Mr & Mrs H Coulter **DEA** Rowallane  
**LOCATION** 50m SE Of 7 Old Saintfield Road  
 Creevyarnonan  
 Crossbar  
**PROPOSAL** Proposed 2 no infill dwellings, detached garages and site works

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



### Current Appeals

**ITEM NO** 19  
**Planning Ref:** LA07/2017/0701/ **PAC Ref:** 2018/A0086  
**APPELLANT** J&J McKibbin **DEA** The Mournes  
**LOCATION** Land 60m North East Of No. 181 Moyad Road  
 Kilkeel  
**PROPOSAL** RT34 4HI  
 Erection of self-catering tourist accommodation, light industrial units  
 and associated site works.

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

**ITEM NO** 20  
**Planning Ref:** LA07/2018/0166/ **PAC Ref:** 2018/AO021  
**APPELLANT** Sean Nugent **DEA** Slieve Gullion  
**LOCATION** 60m East Of 66 Slatequarry Road  
 Cullyhanna  
**PROPOSAL** Retention of existing farm shed

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

### Current Appeals

**ITEM NO** 21  
**Planning Ref:** LA07/2017/0665/ **PAC Ref:** 2018/E0014  
**APPELLANT** Mr James K. Donnelly **DEA** Newry  
**LOCATION** 110 Metres North West Of No. 240 Dublin Road  
 Killeen  
 Newry  
**PROPOSAL** Retention of agricultural building, erected under permitted development

**APPEAL TYPE** DC- Refusal of CLUD  
**Appeal Procedure** **Date Appeal Lodged** 14/06/2018  
**Date of Hearing**  
**Date Statement of Case Due for Hearing**  
**Date Statement of Case Due - Written Representation**  
**Date of Site Visit**

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

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

## Current Appeals

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

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# Appeal Decision

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

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<b>Appeal Reference:</b>	2017/A0188
<b>Appeal by:</b>	Mr Sean O'Hare
<b>Development:</b>	Retention of treatment facility for end of life vehicles, including access road and all associated site infrastructure, including area of hard standing, drainage systems, all buildings, structures, racks, fencing and gates.
<b>Location:</b>	10a Limekiln Road, Newry
<b>Planning Authority:</b>	Newry, Mourne and Down District Council
<b>Application Reference:</b>	LA07/2017/0319/F
<b>Procedure:</b>	Informal Hearing on 18 April 2018
<b>Decision by:</b>	Commissioner Mandy Jones, 27 September 2018.

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## Decision

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

## Preliminary Issues

2. Prior to the hearing the Council amended refusal reason 10 to withdraw the reference to the Best Practicable Environmental Option (BEPO). At the hearing the Council also withdrew refusal reason 2 relating to Planning Policy Statement 4, Planning and Economic Development. Refusal reason 4 relating to paragraph 6.279 of the Strategic Planning Policy Statement ( SPPS ) was also withdrawn.
3. The appellant argues that the site has historically operated as a scrap yard for the reclamation and recovery of scrap metal including dismantling and the treatment of end of life vehicles ( ELVs ). It was contended that the operational development of the hard cored yard, access lane and perimeter fencing has existed since 1997 and the proposal seeks to retain works which were undertaken in 2015 – 2016 to upgrade the existing site. This includes new drainage, new storage racks for ELV shells and the erection of new buildings to facilitate the depollution and dismantling of the ELVs under cover in a controlled environment. These updated works are required to modernise the facility and to enable a new Waste Management Licence to be issued under the current regulations. The appellant submitted a large volume of evidence which claims that there is an established waste management land use and operational development comprising the hard cored yard, access road and perimeter fencing. This includes affidavits; a Waste Management Licence for Mr Sean O'Hare of O'Hare Autoparts issued in October 1997 in which the appellant has paid subsistence charges to retain and permit on – going operations on the site; a timeline of aerial photographs and payment of rates bills. Also submitted was a letter



from The Planning Service dated March 1997, signed by PJ Magee – Divisional Planning Manager in reference to 'Scrapyard at Limekiln Road'. It states that '*Planning Service can find no planning history for this site and understand that the scrapyard may have been at that location prior to re – organisation in October 1973. This would mean any history on the site being among Urban or Rural or County Council records, if any still exist. Therefore, it would seem that the use has been established and planning permission is not required in this case.*'

4. Although the Council accepted this letter and the use of the site as a scrapyard in 1997, they disputed the use of the site after this time arguing that it had ceased at some point and was abandoned as the business activity transferred to the Low Road site. They also queried some of the evidence presented.
5. The judgement in *Saxby v Secretary of State for the Environment and Westminster City Council* (1998) is the authority for the proposition that the proper mechanism for determination whether such works are lawful is through an application for a Certificate of Lawfulness of Existing Use or Development (CLEUD) under Section 169 and 170 of the Planning Act (Northern Ireland) 2011. No CLEUD has been issued in respect of any works on the site and in the absence of such a certificate, I cannot assume that any works on the site are lawful. This appeal is not the correct procedure to establish whether a lawful use exists on the site.
6. The appeal description is for 'Retention of authorised treatment facility for end of life vehicles, including access road and all associated site infrastructure, including area of hard standing, drainage systems, all buildings, structures, racks, fencing and gates.' Given that no CLEUD has been issued or applied for in this case, this is an inappropriate description of the proposal. I have deleted the reference to '*authorised*' and the amended description now reads 'Retention of Treatment Facility for end of life vehicles, including access road and all associated site infrastructure, including area of hard standing, drainage systems, all buildings, structures, racks, fencing and gates.' I will now proceed to consider the appeal on this basis.

### **Reasoning**

7. The main issues in this appeal relate to :
  - The principle of the development in the countryside;
  - The visual impact of the development on the character and appearance of the countryside in an Area of Outstanding Natural Beauty;
  - The impact of the development on the surrounding residents and
  - The impacts of the development on the flow of traffic and road safety in the area.
8. Section 45 (1) of the Planning Act (Northern Ireland) 2011 requires regard to be had to the local development plan, so far as material to the application, and to any other material considerations. The appeal site is located in the countryside within the Banbridge, Newry and Mourne Area Plan 2015 (BNMAP). The site is also located within the Ring of Gullion Area of Outstanding Natural Beauty (AONB).
9. The BNMAP, which operates as the statutory Local Development Plan relevant to the appeal site, contains no provisions specific to this proposal for a waste treatment facility for end of life vehicles in the open countryside. BNMAP emphasises the

Regional Development Strategy guidance which seeks to manage our waste sustainability. Page 42 ( Volume 1 ) of the plan refers matters relating to waste are considered in the Waste Management Strategy for Northern Ireland. It states that a new approach to waste management has emerged in recent years driven forward by the UK and EU commitment to sustainable patterns of development which requires the reuse, recycling and recovery of materials from our waste.

10. The Strategic Planning Policy Statement for Northern Ireland – Planning for Sustainable Development – September 2015 (SPPS) is material to all decisions on individual planning applications and appeals. The SPPS retains policies within existing planning policy documents until such times as a Plan Strategy for the whole of the Council area has been adopted. It sets out transitional arrangements to be followed in the event of a conflict between the SPPS and retained policy. Any conflict between the SPPS and any policy retained under the transitional arrangements must be resolved in favour of the SPPS.
11. In respect of the appeal proposal no conflict arises between the SPPS and the prevailing regional policy set out by Planning Policy Statement 21 Sustainable Development in the Countryside ( PPS 21 ), Planning Policy Statement 11 Planning and Waste Management ( PPS 11 ), and Planning Policy Statement 2 Natural Heritage.
12. Being located in the countryside, the appeal proposal is subject to the policies of Planning Policy Statement 21: Sustainable Development in the Countryside (PPS 21). While Policy CTY 1 of PPS 21 sets out a number of instances where planning permission for non-residential development in the countryside will be granted, the use of land for a treatment facility for end of life vehicles is not one of the development types specifically identified. CTY 1 does, however, recognise that there are a range of other types of non-residential development that may be acceptable in principle in the countryside. The policy goes on to state that proposals for such development can be considered in accordance with existing published planning policies. PPS 11 sets out the prevailing policy for the development of waste management facilities.
13. The appeal site is located approx. 1 km south of the nearest settlement Bessbrook. It is accessed off the Limekiln Road by a laneway and is located immediately to the rear of a Northern Ireland Water Service Reservoir Site with associated infrastructure facilities buildings and raised ground levels. To the north is a derelict group of farm buildings. The topography of the site is predominantly flat and lies higher than the public road.
14. The development on the site relates to the retention of a treatment facility for end of life vehicles including access road and all associated site infrastructure, including areas of hardstanding, drainage systems, buildings, structures, racks, fencing and gates. The proposal seeks to retain works which were undertaken in 2015 – 2016 to upgrade the existing site. This includes installation of new site drainage, new storage racks for ELV shells and for the erection of new buildings to facilitate depollution and dismantling of the ELVs under cover in a more controlled environment.
15. There are 2 buildings on the site and 2 mobile site offices. The building towards the south of the site is for the storage for ELV parts. The central part is a metal shipping

container with two lean to parts to either side. It has a corrugated metal external finish. Its overall footprint is 12 x 8.3m with a height of 3.2m. There is also a small shipping container to the east used for the storage of residual lead acid batteries. The main building to the north east is fitted with vehicle depollution equipment and a vehicle ramp, offices and wc. Its overall footprint is 12.5 x 13m with a ridge height of 5.95m and is of a steel frame construction with corrugated metal cladding panels. There is a mobile site office towards the south eastern corner of the site, measuring 8.5 x 3.05m with a height of 2.60m and another mobile site office at the entrance to the site measuring 6 x 2.43m with a height of 2.95m. A yard area constructed in reinforced concrete spans the north eastern portion of the site which has an integrated piped drainage system for surface water management. To the west a large aggregate yard area of gravel hardstanding is used for the storage of depolluted ELVs only. At my site visit this area was filled with racks of ELV shells. The perimeter of the site has a high metal fence and there is a hedgerow to the southern boundary.

16. The appellant's Site Working Plan, sets out 'A Waste Code List of Wastes proposed to be accepted at the site' in table 1 which includes :

EWC 16 01: End of Life Vehicles from different means of transport ( including off road machinery ) and wastes from dismantling of end of life vehicles and vehicle maintenance ( except 13,14,16 06 and 16 08 )

EWC 16 01 04: End of Life vehicles ( un- depolluted )

EWC 16 01 06: End of Life Vehicles containing neither liquids nor other hazardous substances.

17. Table 2 sets out the total quantity of ELVs to be accepted annually, along with details of maximum storage capacity and timeframes for individual waste types. The waste activities proposed to take place on the site include:

- The acceptance for on – site treatment ( depollution ) of un depolluted End of Life Vehicles and their associated waste materials followed by dismantling for onward sale for recycling;
- The acceptance for on site treatment, comprising dismantling and storage of depolluted End of Life Vehicles and their associated waste materials for onward sale for recycling.

18. Waste will enter the site in a variety of vehicles comprising ; articulated transport vehicles for bulk deliveries of sorted and unsorted waste belonging to the operator; smaller loads of ELVs from individuals / companies delivered on trailers, vans etc and for vehicles to be scrapped as ELVs, self-driven to the site by owner, if roadworthy. Before offloading, all waste will be visually quantified and inspected. ELVs requiring depollution will be unloaded in a designated area where drainage is in place. For depolluted vehicles with the relevant paperwork, these will be visually inspected to confirm satisfactory depollution before being located to the relevant storage area. A flow chart of the depollution process is within the WP.

19. Policy WM2 of PPS 11 relates to Waste Collection and Treatment Facilities and states that proposals for the development of a waste collection or treatment facility will be permitted subject to a number of criteria. The Council argue that the appeal



- proposal does not meet criteria (a), (c) and (d). Criterion (a) requires that there is a need for the facility as established through the Waste Management Strategy (WMS) and the relevant Waste Management Plan (WMP).
20. The appellant contends that the proposed development is consistent with the objectives and principles within the WMS. It will contribute in moving towards the targets, by promoting an increase in the diversion of waste from landfill by sorting waste streams to facilitate their further recovery.
  21. It was argued that the appeal proposal is entirely consistent with Principles of Sustainable Waste Management (referred to in paragraph 1.16 of PPS 11) in that it remains close to the point of origin of the waste and will enable priority waste streams to be treated and recovered and diverted from landfill. This is consistent with the direction of the SWaMP Waste Management Plan for the South West Region. The plan promotes the increase in the number of waste management facilities for the recovery of waste in order to fulfil the Waste Management Hierarchy and meet waste recovery targets. It was argued that the need for the facility in the location is proven as O'Hare Autoparts operated a waste management facility at this site and at a site ( now closed ) at Low Road for in excess of 20 years and recycled and recovered ELVs from the local area.
  22. A License for a Waste Disposal Facility in accordance with the Pollution Control and Local Government ( NI) Order 1978 was issued to the appellant in October 1997 in relation to the appeal site. Evidence was presented that this remains in place and the appellant has paid annual subsistence charges to retain this Licence and to permit the ongoing operations of the site.
  23. At the hearing the Council stated that there was no dispute that there is a need for this waste facility in accordance with the Waste Management Strategy and the relevant Waste Management Plan but rather their argument was the siting and location of the appeal proposal within the countryside. The Council provided no argument that there was no need for this facility and I have no reason to conclude that this is, in fact the case. The proposal to recover waste from ELVs is consistent with the objectives and principals of the WMS and will contribute in moving toward the targets. It is also consistent with the SWAMP plan which confirms the need for suitable waste management facilities across the south west region and confirms that ELVs are a Priority Waste Stream. The appeal proposal is consistent with criterion (a) of Policy WM2.
  24. Criterion (c) of WM2 requires that the proposed facility complies with one or more of a number of locational criteria. Whilst bullet point 1 refers to industrial or port areas, bullet point 2 refers to active or worked out hard rock quarries or on the site of an existing or former waste management facility including a landfill site. The appellant's letter from the Divisional Planning Office dated March 1997 accepted that there was an established scrapyard on the site – and the Council accepted this although disputed the use since then. As referred to previously although the normal route to establish a lawful development is a CLEUD, this is not required in this case, as policy refers to a 'former waste management facility' even if the use had ceased as contended by the Council. The appeal proposal would therefore meet this locational criterion which refers to the site of a former waste management facility.



25. The Council's main argument was that there is a clear preference for such proposals to be in existing urban, industrial areas or quarries. It was stated by the Council that while policy does allow for such proposals in rural areas, the overall thrust of policy is that this will only be in exceptional circumstances. I note that policy does not require exceptional circumstances to be demonstrated for such proposals to be in the countryside. Criterion (c) bullet 5 states:
- *Where the proposal is in the countryside, it involves the reuse of existing buildings or is on land within or adjacent to existing building groups. Alternatively where it is demonstrated that new buildings / plant are needed these must have an acceptable visual and environmental impact.*
26. At the hearing the Council produced a copy of PPS 11 which at criterion (c) bullet 5 referred to proposals being ' *suitability located in the countryside* '. My copy and the appellant's copy of PPS 11 published in December 2002 and that on the Planning NI website does not in fact make reference to this. I received no explanation of this discrepancy in wording by the Council and I can only assume that the Council are relying on incorrect or possibly out of date policy documents.
27. Bullet 5 states that a waste management operation may be acceptable in the countryside where it involves the reuse of existing buildings or is on land within or adjacent to existing building groups. The proposal involves the retention of new buildings and not the reuse of existing buildings. While there are no existing buildings on the appeal site, to the east of the appeal site is a Northern Ireland Water Service controlled reservoir site with a substantial associated building sitting parallel to the road and a smaller building to its south. Immediately to the north is a cluster of disused farm buildings. The appellant claims that there is also the constructed footings of tourist accommodation units which were granted approval P/1999/0544/F – which was undisputed by the Council. As the site is adjacent to existing building groups it meets this element of the locational criteria for such proposals in the countryside.
28. Bullet point 5 goes on to say that *alternatively where it is demonstrated that new buildings / plant are needed these must have an acceptable visual and environmental impact.*
29. In terms of the visual impact of the proposal the Council also raised Policy CTY 13 of PPS 21, Integration and Design of Buildings in the Countryside which states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of appropriate design. Their focus was on criterion (c) that the building relies primarily on the use of new landscaping for integration; (d) the ancillary works do not integrate and (e) the design is inappropriate for the site and its locality.
30. Policy CTY 14 was also raised which states that planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of the area. The Council focused on criterion (c) that it does not respect the traditional pattern of settlement exhibited in the area and criterion (e) that the impact of the ancillary works would damage rural character. As the site is within an AONB, Policy NH 6 of Planning Policy Statement 2 : Natural

Heritage applies and states that planning permission for new development in an AONB will only be granted where it is of an appropriate design, size and scale for the locality.

31. The Limekiln Road is a narrow minor and undulating road with heavy roadside vegetation to either side. The Council identified critical viewpoints from this road on approach to the site. When viewed from the Limekiln Road, across the reservoir site frontage, due to the raised ground levels within the adjoining reservoir site and the substantial roadside associated reservoir building, the entire appeal site is screened except for the very upper parts and ridge line of the main depollution building in the distance. The portion which is visible has the appearance of a rural agricultural building which is appropriate to the locality. The remaining buildings on the site and entire yard area containing ELV racks are completely screened from the road. On approach from the south again views to the site are well screened by the substantial roadside vegetation however there is a short break in the vegetation which allow views of the depolluted storage area to the south east of the site containing racks of ELV's. Given the distance from the road, the oblique and fleeting nature of the view the external storage area is barely discernible. A landscaping condition would ensure that the eastern boundary of the appeal site is planted and maintained which would contain this view. On approach from the north the site is again screened by intervening and roadside vegetation however there is a break in the vegetation which allows a fleeting long distance view to the external storage area along the northern portion of the site. Given the nature of this view, it is again barely perceptible. I do not consider these views to the external yard area only, to be determining. Given the presence of substantial vegetation, the rising ground levels within the reservoir site and the screening effect of the reservoir facility building I consider the site and its ancillary works including the access road and yard to be visually integrated. I consider that it would not primarily rely on the use of new landscaping. I consider that concerns in relation to CTY 13 are not sustained.
32. The immediate character of the area is mixed due to the adjoining NI water service reservoir site and associated buildings ( infrastructural land ), derelict farm buildings and agricultural land. A number of commercial yards and single dwellings lie within the wider area and within the AONB. Given the character, nature and scale of the surrounding immediate and wider landscape I do not consider that this treatment facility for ELVs offends the criteria raised in relation to CTY 14 rural character. Neither would it give rise to an unacceptable visual impact on the character of the wider ANOB.
33. The appeal proposal is on land adjacent to existing building groups in the countryside. The new buildings on the site including the depollution building and the parts storage buildings do not give rise to unacceptable visual or environmental impacts as they are screened from public view. I consider that the proposal therefore meets this requirement of the locational criteria for such proposals in the countryside. Overall, I conclude that the proposal meets 2 of the locational criteria in Policy WM2.
34. Criteria (d) of WM2 goes on to set out a number of other qualifying criteria. Bullet 1 does not apply as the proposal is not a regional scale waste collection or treatment facility. Bullet 2 is a requirement that proposals involving the sorting and processing of waste should be carried out in a purpose built or appropriately modified existing building unless it can be demonstrated that part or all of the proposed operation can

- only be carried out in the open. Bullet 3 is a requirement that the built development associated with the proposed methods of handling, storage, treatment, and processing of waste is appropriate to the nature and hazards of the waste concerned. Bullet 5 requires that the proposal will not result in an unacceptable adverse environmental impact that cannot be prevented or appropriately controlled by mitigating measures and cross references to Policy WM1.
35. The Site Working Plan states that the main depollution building will be fitted with an impermeable floor falling to a collection sump under a floor gully. This will comprise a 1m<sup>3</sup> fully isolated sump (not connected to the site drainage) to contain accidental spillages. The decontamination process will be completed with the aid of specialist equipment. A motorised vehicle lift is located within the depollution containment area. Hazardous materials will be removed from the ELVs and segregated in such a way not to contaminate any remaining parts of the vehicle. All hazardous solid materials removed will be stored in the containment area awaiting appropriate removal off site for disposal. Oils and fluids removed from the ELVs during the depollution process will be stored in a series of bunded tanks awaiting removal off site for further processing / disposal by a third party waste company. The perimeter of the site is enclosed with a high security fence.
  36. From the evidence presented by the appellant I am persuaded that the buildings on the site are purpose built and the associated yard area seem appropriate to the nature and hazards of the waste concerned and the outdoor storage of ELVs. I am satisfied that the proposal is consistent with bullets 2 and 3 of criteria (d). As the development does not involve proposals for the incineration of waste bullet 4 does not apply.
  37. The fifth bullet of criterion (d) requires that the development will not result in an unacceptable adverse environmental impact that cannot be prevented or appropriately controlled by mitigating measures and is cross referenced to Policy WM1.
  38. Policy WM1 of PPS 11 states that proposals for the development of a waste management facility will be subject to a thorough examination of environmental effects and will only be permitted where a number of criteria are met.
  39. Bullet 1 requires that the proposal will not cause demonstrable harm to human health or result in an unacceptable adverse impact on the environment. Paragraphs 4.11 and 4.12 of the SPPS refers to environmental and amenity issues including noise, air quality and general nuisance.
  40. The Council's refusal reason 9 referred to the potential to adversely affect the amenity of adjoining residents through noise and general nuisance. No noise impact assessment had been submitted to the Council and they were unable to assess the potential impact. A Preliminary Noise Impact Assessment was submitted with the appellant's statement of case ( dated Feb 2018 ) and commented on by EHO. A further updated noise assessment ( dated April 2018 ) was submitted prior to the hearing and was discussed at the hearing.
  41. The April report included measured background noise levels for the site and compared these against modelled noise levels solely attributable to the site facility.



All of the relevant noise levels were subsequently incorporated into a CadnaA noise model and used to calculate any noise impacts on local residents.

42. The Council accepted that no 10 Limekiln Road is a derelict building and as such is not a noise sensitive receptor. The report included 7 properties on the Limekiln Road as noise sensitive receptors. In addition, frequency analysis was carried out for external plant equipment and the results demonstrated a degree of tonality. Therefore a noise penalty was subsequently applied to the results of noise modelling for all receptors. The report concluded that even with the noise penalty applied the computed noise levels for each receptor was found to be significantly lower than existing background levels, and in conclusion it was considered that in accordance with BS4142:2014 noise impact will not occur on any of the local residential receptors – ie. That noise impact is negated. The Council considered the noise assessment report and concluded that they had no objections in respect of noise subject to conditions on the hours of operation as Monday – Friday 9.00 to 5.00 and closed Saturday and Sunday ( as set out in the appellants Site Working Plan ). No further issues were raised by the Council in terms of general nuisance. There are no objections in relation to bullet 1 of WM1 and paragraph 4.11 and 4.12 of the SPPS and the Council's refusal reason 5 is not sustained.
43. Bullet 2 requires that the proposed is designed to be compatible with the character of the surrounding area and adjacent land uses. The Council's argument is that there are other sites that would be preferable for such a use and that the proposal is incompatible with the character of the area due to noise and general nuisance. The locational criteria for such development in the countryside set out in Policy WM2 allows for the reuse of existing buildings or is on land within or adjacent to existing building groups which I have reached a conclusion on. The concept of compatibility is not the same as principle which I have already found to be acceptable in this countryside location. I have already concluded that there are no objections in relation to noise. Having made my visual assessment, I have also previously concluded that the facility has an acceptable visual impact. It is directly adjacent to a service reservoir infrastructure facility and surrounding agricultural land. It has not been demonstrated that the proposal is incompatible with the existing land uses either visually or in terms of noise and does not offend bullet 2 and 3 of Policy WM1.
44. Bullet 4 of Policy WM1 of PPS 11 requires that access to the site and the nature and frequency of associated traffic movements will not prejudice the safety and convenience of road users. Although not referred to in the original reasons for refusal the Council added that this requirement had not been demonstrated to their refusal reason 9 within their statement of case.
45. Within the appellant's completed P1 form it stated that the average number of vehicles to the premises daily was staff 3; visitors/customers 20 and goods 1. The expected increase for all categories was 0. This was undisputed and there was no evidence presented in relation to the frequency and nature of vehicles to the site being unacceptable. Traffic movements relate to the daily intake and storage capacity on the site. A condition is necessary to limit the daily intake and storage capacities of ELVs on the site to control the levels of operations on the site. ( as set out in the appellants Site Working Plan ).
46. Site entrance drawings submitted with the appellant's statement of case indicated an existing access of 4.5m x 90m LHS and 4.5 x 25.80m RHS and the same splays



- for a proposed access of 4.5 x 90m LHS and 4.5 x 25.80m RHS. This is an existing substandard access which the appellant maintains has been used for many years and I have no evidence of any accidents occurring. Irrespective of this, the proposed access illustrated is substandard.
47. According to DCAN 15 : Vehicular Access Standards, table B, based on speeds of less than 25 mph splays of 2.4 x 45 would be required; for speeds up to 30mph, 2.4 x 60 m splays are required. It was claimed that 2.4 x 100 LHS and 2.4 x 60 m RHS could be achieved on the site. Given the speeds on the road, the appellant suggested a condition of 2.4 x 60m LHS and 2.4 x 45m RHS.
  48. The Limekiln Road is a single lane width minor road. On approach from Camlough Road the road is straight and has a fairly steep incline. On my site visit driving the road and observing motorists I would judge the speeds on this part of the road to be up to 30mph. From the opposite approach the road is winding, undulating and enclosed on both sides with high roadside vegetation and therefore I would judge speeds to be up to 25 mph. The existing access is directly adjacent to the NI water service reservoir site assess. There is a wide verge across the frontage of the reservoir site (of approx. 2.5m) which provides the splays for the access to the reservoir. I am satisfied that visibility splays 2.4 x 45 RHS could be achieved within the verge – this will require the removal of a short portion of roadside vegetation and some facing of vegetation in front of the reservoir fencing. Splays of 2.4 x 60m LHS can be provided as this land is within the appellant's ownership.
  49. The Council stated that they were satisfied that this issue could be dealt with by a negative condition requiring drawings showing the proposed access however I am unable to attach such a condition to a full application. However, a condition ensuring that visibility splays of 2.4 x 60m LHS and 2.4 x 45m RHS are provided would be necessary within a specified time period to ensure a safe access to the site. Accordingly, I am satisfied that the appeal proposal can meet the necessary road safety requirements of Policy WM1 as expressed in bullet 4.
  50. The Council's 6<sup>th</sup> reason for refusal states that the proposal is contrary to the Local Development Plan as it falls outside land zoned for economic development as designated in the Banbridge / Newry and Mourne Area Plan 2015. It was argued that the plan zones 124 hectares of land in Newry for economic development uses in the City and the proposal should be located within this designated zoning and no exceptional reasons have been advanced as to why the proposal should be on this site. The BNMAP does not make any reference to the location of treatment facilities for ELVs. The locational criteria in Policy WM 2 of PPS 11, subject to need, allows for treatment facilities in the countryside. In this regard I consider the Council's reason for refusal is misplaced and not sustained.
  51. In the final analysis, the treatment facility for end of life vehicles is consistent with the requirements of WM1 and WM2 of PPS 11. The facility meets the need and the locational criteria for such development in the countryside. The Council's refusal reasons 9 and 10 are not sustained. It will not harm the living conditions of residents of Limekiln Road by reason of noise or general nuisance and the Council's refusal reason 5 is not sustained.
  52. The visual impacts of the development are contained and very limited from the Limekiln Road and I consider it to be integrated and the impacts on rural character

given the context are not unacceptable within the AONB. Accordingly, it meets Policy CTY 13 and CTY 14 of PPS 21 and Policy NH 6 of PPS 2. The Council's refusal reasons 7,8 and 3 are not sustained.

53. The appeal development is therefore an acceptable 'other type of development' in accordance with Policy CTY 1 of PPS 21 and the Council's reason for refusal 1 has not been sustained. Accordingly, as all of the Council's reasons for refusal have not been sustained the appeal is allowed subject to the conditions set out below.

#### Conditions.

1. The hours of operation of the development hereby approved shall be limited to 9.00 am to 5.00 pm Monday to Friday and closed on Saturdays and Sundays. The site will be closed on the following public holidays: Christmas Day, Boxing Day, Easter Monday and May Day. No machinery shall be operated, no processes shall be carried out and no deliveries taken at or dispatched from the site outside of these hours.
2. The waste materials to be accepted at the facility hereby approved shall be restricted to those falling within the European Waste Catalogue Codes listed below.

EWC 16 01: End of Life Vehicles from different means of transport ( including off road machinery ) and wastes from dismantling of end of life vehicles and vehicle machinery ( except 13,14,16 06 and 16 08 )

EWC 16 01 04: End of Life Vehicles ( un- depolluted )

EWC 16 01 06: End of Life Vehicles containing neither liquids nor other hazardous substances.

3. The maximum daily intake and storage capacities of end of life vehicles and of residual wastes from the de-pollution of same shall not exceed the quantities and times as set out in the table below. ( table 2 of the Site Working Plan )

Permitted Waste Categories	Maximum Permitted Quantities	Amount
Undepolluted ELVs	Maximum Daily Intake Maximum Storage Capacity Maximum Storage time prior to depollution	5 Vehicles 15 Vehicles 2 Months
Depolluted ELVs	Maximum Daily Intake Maximum Storage Capacity Maximum Storage Time prior to removal	5 Vehicles 200 Vehicles 12 Months
Residual wastes produced as a result of depollution of End of Life Vehicles	Maximum Storage Capacity : Fuel oils - Petrol Fuel Oils - Diesel Coolant and Screen Wash	200 litres 1000 litres 200 litres

Engine Oils	1000 litres
Brake fluid /Transmission and Hydraulic Oils	100 litres
Contaminated Fuels	200 litres
Tyres	100 tyres
Engines	150 tonnes
Oil Filters	1 tonne
Other residual wastes	5 tonne
Maximum Storage Times	1 month

4. A scheme of planting shall be carried out during the first planting season following this decision. This shall include the planting of native trees and hedgerows along the full length of the eastern boundary of the site. This landscaped boundary shall be allowed to grow to a height of at least 4m from ground level and thereafter be permanently retained. The existing landscaped boundary to the south of the site shall be permanently retained at a height of 4m above ground level. Trees or shrubs dying, removed or becoming seriously damaged within five years of being planted shall be replaced in the next planting season with others of a similar size and species unless the planning authority gives written consent to any variation.
5. Viability splays of 2.4 x 60m LHS and 2.4 x 45m RHS shall be provided at the point of access of the development onto the Limekiln Road within 4 weeks of this decision. Thereafter, these splays shall be permanently retained.
6. All hardstanding areas where storage handling of end of life vehicles occurs, shall be constructed from an impermeable material and designed to contain all contaminated run off.

This decision is based on the following drawings:

PAC ref :	Council ref:	Drawing
PAC 1	01	Site Environs @ scale 1:2500 @ a3
PAC 2	02	Site Layout with drainage @ scale 1:500 @a3
PAC 3	03	Car Racks Layout @ scale 1:500 @ a3
PAC 4	04	Main Building Elevation @ scale 1:100 @a3
PAC 5	05	Outhouses Elevations @ scale 1:50 @a3
PAC 6	06	Site Office Elevations @ scale 1:50 @ a3
PAC 7	07	Mobile Office / Toilet Elevations @ scale 1:50 @ a3
PAC 8	08	Main Building Internal Layout @ scale 1:100 @ a4
PAC 9	09	Outhousing Internal Layout @ scale 1:100 @ a4
PAC 10	10	Site Office Internal Layout @ scale 1:50 @ a4
PAC 11	11	Mobile Office /Toilet Internal Layout @ scale 1:50 @ a4
PAC 12	12	Car Rack Elevations and Plan @ scale 1:50 @ a4
PAC 13	13	Site Entrance Details @ scale 1:500 @ a4
PAC 14	14	Floodlighting Layout @ scale 1:500 @ a3





**2017/A0188**

**List of Documents**

**Newry, Mourne and Down Council**

**Planning Authority:**                    A     Statement of Case with appendices

**Appellant:**                                    B     Statement of Case with appendices

C     Noise Impact Assessment – April 2018

D     Supporting Statement with appeal docs.

**List of Appearances**

Planning Authority: Gareth Murtagh, Newry, Mourne and Down District Council  
Orla O'Toole, Newry, Mourne and Down District Council

Appellant :	Gemma Jobling	JPE Planning
	David McLorinan	MCL Consulting
	John Laverty	MCL Consulting
	Leanne Hall	MCL Consulting
	James O'Hare	Owner of O'Hare Autoparts and son of appellant
	Jackie Patterson	Retired Councillor



# Costs Decision

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

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<b>Appeal Reference:</b>	2018/A0020
<b>Appeal against:</b>	The refusal of full planning permission for replacement dwelling
<b>Location:</b>	Drumnaconnell House, 56 Ballynahinch Road, Drumnaconnell West, Saintfield
<b>Claim by:</b>	Mr Lawrence Patterson
<b>Claim against:</b>	Newry, Mourne and Down District Council for a full award of costs
<b>Decision by:</b>	Commissioner Diane O'Neill, dated 17 <sup>th</sup> September 2018

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## Decision

1. An award of costs is denied.

## Reasons

2. The planning application relating to the appeal was determined under the Planning Act (Northern Ireland) 2011. An appeal was made in accordance with Section 58 of the Act against Newry, Mourne and Down District Council's decision. The Commission therefore has the power to make an order as to the costs of parties in accordance with Section 205 of the Act. As the claim for costs was part of the submission of the appellant's statement of case evidence, it was made in a timely manner. The claim is therefore both eligible and timely.
3. The main issues to be considered are whether the planning authority has acted unreasonably and if so, whether its unreasonable behaviour has caused the claimant to incur unnecessary or wasted expenses. The claimant considered that the planning authority had failed to: recognise differences in policies; interpret the transitional arrangements; properly assess the proposal in terms of the SPPS (Strategic Planning Policy Statement); produce credible evidence in terms of the vernacular quality and the contribution that the building to be replaced makes; allow additional information to be submitted.
4. The planning authority applied the correct policies contained within Policy CTY 3 of PPS 21: Sustainable Development in the Countryside (PPS 21) and the SPPS. In terms of the transitional arrangements, as they did not consider that there was a conflict between the SPPS and the retained policy, there was no change in policy direction for them to resolve. The view that the proposed development was contrary to the SPPS and Policy CTY 3 was a professional viewpoint which they were entitled to formulate. It therefore follows that the SPPS would be included within the reason for refusal.

5. The planning authority adequately articulated their reasoning why they considered the existing dwelling to be vernacular and make a valued contribution; it is a matter of judgement whether the argument is credible. Annex 2 of PPS 21 is not specifically referred to in the planning authority's case officer's report or statement of case evidence. However, as confirmed in their rebuttal evidence, it is apparent that in determining that the proposal is a rural non-listed vernacular building the planning authority assessed its characteristics such as whether chimneys are expressed on the ridge line, the return being to the rear of the dwelling and the solid to void ratio. The planning authority had concluded that the building was substantially intact, occupied, vernacular, structurally sound and capable of improvement. It is for them to decide if further information is required in order for them to reach a decision on the planning application. The appellant could still have submitted further evidence if they so wished. However, even when the arguments contained in the appeal documents were presented to the planning authority, they still disagreed with the appellant. They were entitled to take this professional view and disagreement is not inherently unreasonable.
6. Given that there was not unreasonable behaviour by the planning authority, no unnecessary expenses have been incurred. No award of costs will therefore be made.

**COMMISSIONER DIANE O'NEILL**





# Appeal Decision

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

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<b>Appeal Reference:</b>	2018/A0020
<b>Appeal by:</b>	Mr Lawrence Patterson
<b>Appeal against:</b>	The refusal of full planning permission
<b>Proposed Development:</b>	Replacement dwelling
<b>Location:</b>	Drumnaconnell House, 56 Ballynahinch Road, Drumnaconnell West, Saintfield
<b>Planning Authority:</b>	Newry, Mourne and Down District Council
<b>Application Reference:</b>	LA07/2017/0795/F
<b>Procedure:</b>	Written representations and Commissioner's site visit on 28 <sup>th</sup> August 2018
<b>Decision by:</b>	Commissioner Diane O'Neill, dated 17 <sup>th</sup> September 2018

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## Decision

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

## Claim for Costs

2. A claim for costs was made by the appellant against the planning authority. This claim is the subject of a separate decision.

## Reasons

3. The main issues in this appeal are:
  - whether the proposed development is acceptable in principle in the countryside
  - whether the dwelling to be replaced is a vernacular building which makes an important contribution to the heritage, appearance and character of the area and is capable of being made structurally sound and improved
4. Section 45 (1) of the Planning Act (NI) 2011 requires the Commission, in dealing with an appeal, to have regard to the local development plan, so far as material to the application, and to any other material considerations. The Ards and Down Area Plan 2015 (ADAP) operates as the local development plan for the area where the appeal site is located. The site is located outside any settlement development limit within ADAP and is within the countryside. The ADAP has no material policies for dealing with dwellings in the countryside.
5. The Strategic Planning Policy Statement for Northern Ireland (SPPS) sets out the transitional arrangements that will operate until a local authority has adopted a Plan Strategy for the whole of the council area. Paragraph 1.12 states that any

conflict between the SPPS and any policy retained under the transitional arrangements must be resolved in the favour of the provisions of the SPPS. However, it is added that where the SPPS is silent or less prescriptive on a particular planning policy matter than retained policies this should not be judged to lessen the weight to be afforded to the retained policy. The SPPS retains certain existing planning policy statements and amongst these is Planning Policy Statement 21: Sustainable Development in the Countryside (PPS 21). 'Building on Tradition: A Sustainable Design Guide for the Northern Ireland Countryside' is also retained and provides relevant planning guidance.

6. The appellant argued that there was a difference between Policy CTY 3 and the SPPS in relation to non-listed vernacular dwellings. Rather than introducing a change in policy direction and/or providing a policy clarification on the policy on replacement dwellings, the SPPS is less prescriptive (pg 53) than Policy CTY 3 of PPS 21. The lack of reference to the section on non-listed vernacular buildings contained within Policy CTY 3 does not therefore mean that lesser weight should be afforded to the policy. This approach is supported by the 'Building on Tradition: A Sustainable Design Guide for the Northern Ireland Countryside' which is supplementary planning guidance that the SPPS states should continue to be treated as a material consideration during the transitional period. Like Policy CTY 3, Building on Tradition emphasises in paragraph 3.3.2 that the retention and sympathetic refurbishment of non listed vernacular structures is encouraged, particularly where they make an important contribution to the heritage, appearance or character of the locality. Paragraph 5.1.1 emphasises that due to the general sustainability approach running through PPS 21 and the importance of the retention of non-listed vernacular buildings to the character and appearance of the local rural landscape that a replacement will only be considered where it is clear that the building is not capable of being made structurally sound.
7. The planning authority argued that the SPPS introduces a tightening of policy with the use of the word 'must' as opposed to 'should' within Policy CTY 3. However, the changed emphasis relates to the replacement dwelling being located within the curtilage of the existing dwelling and not having a visual impact significantly greater than the existing building; these are not issues raised in the current appeal.
8. Policy CTY 1 of PPS 21 sets out a range of types of development which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development. A number of instances when planning permission will be granted for a single dwelling are outlined. The appellant argued that the appeal proposal represents a replacement opportunity in accordance with Policy CTY 3 of PPS 21.
9. Policy CTY 3 states that planning permission will be granted for a replacement dwelling where the building to be replaced exhibits the essential characteristics of a dwelling and as a minimum all external walls are substantially intact. The planning authority did not dispute that the appeal building, which is currently occupied, exhibits the essential characteristics and is totally intact. However, they argued that the appeal building is a non-listed vernacular dwelling which makes an important contribution to the heritage, appearance and character of this area and is capable of being made structurally sound and improved. They considered that



the dwelling and outbuildings form a good example of a small cluster of development.

10. The appeal building (Drumnaconnell House), which is thought to date back to approximately 1900, is located between and can be accessed from the Ballynahinch and Drumnaconnell Roads. It consists of a two-storey cement rendered dwelling with a flat roof porch on the front elevation and a substantial two storey rear return. The windows located on the front elevation have a vertical emphasis with those on the side and rear elevations being varied with some having a vertical and others a horizontal appearance. The roof is finished in Bangor blue roof slates and has two chimneys located on the ridgeline at the gable ends. An outbuilding is attached to the southern elevation of the dwelling. There are a number attractive outbuildings to the north-east and south-east of Drumnaconnell House, the majority of which are to be retained. The outbuildings are thought to predate 1832. The front elevation of Drumnaconnell House is orientated towards the Ballynahinch Road when travelling in a north-easterly direction. The rear of the dwelling is accessed via a concrete yard located off the Drumnaconnell Road. A dry stone wall and dispersed vegetation define the boundaries of the appeal site.
11. Paragraph 5.18 of Policy CTY 3 states that the advice contained within Annex 2 of PPS 21 will be employed to help determine what constitutes a vernacular dwelling for the purpose of the policy. Referring to 'A Sense of Loss-The Survival of Rural Traditional Buildings in Northern Ireland', Annex 2 highlights that rural vernacular houses may be recognised as such by meeting most of the primary characteristics and some of the secondary characteristics listed. The planning authority considered that half of the primary characteristics were met in that the building had a linear plan, the walls were of mass load-bearing materials, the chimneys were along the ridgeline and the house has been extended to the rear of the dwelling. In terms of the secondary characteristics, given the age of the building they considered that it is highly likely that the internal walls would be load bearing. In line with A Sense of Loss, they consider that the preservation of the entire range of 'typical' Ulster countryside houses from vernacular to formal to be important and that the definition of vernacular has to be looked at in a broader view with its overall context and setting taken into account. The appellant agreed with the planning authority in terms of the appeal property possessing three out of the eight primary characteristics, however disputed that the dwelling, unlike the older outbuildings, had a linear plan. They also considered that the dwelling had none of the secondary characteristics as primarily the external walls are load bearing.
12. Whilst the outbuildings located within the appeal site are elongated and have a linear, rectangular form, the dwelling to be replaced, which measures approximately 9.5m long by 7.5m in depth, does not share this appearance. The proposal would therefore only meet three of the eight primary characteristics identified in Annex 2 of PPS 21. In addition, over the years a considerable amount of work has been done to the property which relates to these three characteristics. The work included a substantial rear two-storey extension and modern chimneys were fitted. The windows are also double glazed in white and brown uPVC and are an eclectic mix of sizes with some having a horizontal and others a vertical emphasis. The front porch is also said to have been rebuilt. Whilst some or all of the internal walls of the dwelling appear to be load bearing, and therefore meet one of the four secondary characteristics, the works, together

with the lack of the other primary and secondary characteristics, result in the substantial appeal dwelling not appearing as a vernacular building when viewed from its limited views along the Ballynahinch and Drumnacconnell Roads. A Sense of Loss refers to the limited nature of the definition of a rural vernacular building by using the primary and secondary characteristics, that there are very few buildings, as defined, remaining and that for the general preservation of the countryside that many other buildings would have to be considered. However, the dwelling is not considered to be a rural vernacular building that is considered worthy of protection. It therefore does not make an important contribution to the heritage, appearance or character of this countryside locality. As the dwelling is to be replaced in situ and as it is proposed, and could be conditioned, that a number of the attractive, traditional outbuildings be retained as part of the proposal, this would maintain the sense of a clustering of development within this complex. No objection was raised in relation to the design, visual impact or access arrangement of the proposal. It can be conditioned that the slightly wider and improved access arrangement be completed before the dwelling is occupied.

13. As the appeal dwelling is not a vernacular building and does not make an important contribution to the heritage, appearance and character of area, it is therefore unnecessary to assess whether the dwelling is structurally sound and capable of improvement. As the proposal complies with Policy CTY 3 of PPS 21, it is one of the specified types of development considered to be acceptable in the countryside under Policy CTY 1. Accordingly, the reason for refusal has not been sustained and the appeal succeeds.

### Conditions

- (1) The traditional outbuildings shown on Drawing 03 1:500 site plan dated April 2017 shall be permanently retained unless the planning authority gives written consent for their removal.
- (2) The visibility splays shown on the approved Drawing 03 dated April 2017 shall be laid out before any building operations commence.
- (3) The access shall be completed in accordance with the approved Drawing 03 dated April 2017 before the dwelling is occupied and shall be permanently retained.
- (4) The development shall be begun before the expiration of five years from the date of this permission.

This decision is based on the following drawings:-

Drawing 01 1:2500 site location map dated April 2017

Drawing 02 1:500 topographical survey dated April 2017

Drawing 03 1:500 site plan dated April 2017

Drawing 04 1:100 proposed ground floor plan dated 25 April 2017

Drawing 05 1:100 proposed first floor plan dated 25 April 2017

Drawing 06 1:100 proposed west and south elevations dated 25 April 2017

Drawing 07 1:100 proposed east and north elevations dated 25 April 2017

**COMMISSIONER DIANE O'NEILL**



**List of Documents**

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

Statement of Case PA 1  
Rebuttal PA 2

Appellant (Clyde Shanks-agent):-

Statement of Case A 1  
Rebuttal A 2

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

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

## CONTACT FROM PUBLIC REPRESENTATIVES – 2 July 2018 – 28 September 2018

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DATE	CALLER	REF	ISSUE	REFERRED TO	MODE	DATE CLEARED
25/6/18	Clr L Devlin	Newcastle Bowling Club	Update requested	A McAlarney	Direct e mail	5/7/18
28/6/18	C McGrath MLA	LA07/2017/1872/F	Update requested	A McAlarney	Direct e mail	10/7/18
2/7/18	Clr G Craig	AD Plant on Carrigagh Road, Finnis, Dromara	Meeting request	A McAlarney	Direct e mail	5/7/18
3/7/18	Clr S Doran	LA07/2018/0877/F	Query regarding garage	J McParland	Direct e mail	3/7/18
" "	C McGrath MLA	LA07/2017/0332/F	Update requested	A McAlarney	Direct e mail	3/7/18
4/7/18	J McNulty MLA	Several apps	Updates requested	P Rooney	Call transferred	4/7/18
" "	C McGrath MA	LA07/2018/0426/F	Meeting request	A McAlarney	Direct e mail	5/7/18
" "	Clr M Murnin	LA07/2016/0660/F; LA07/2018/0634/O & LA07/2016/1037/O	Updates	A McAlarney	Direct e mail	11/7/18
5/7/18	C McGrath MLA	LA07/2017/1458/F	Update requested	A McAlarney	Direct e mail	5/7/18
9/7/18	Clr S Doran	LA07/2017/1615/F	Update requested	J McParland	E mail sent	9/7/18
10/7/18	C McGrath MLA	Various applications	Meeting date arranged	A McAlarney	Direct e mail	10/7/18
" "	Clr T Andrews	22 The Anchorage, Killyleagh	Enquiry	A McAlarney	Direct e mail	11/7/18
" "	C McGrath MLA	LA07/2017/1256/O	Letter issued	A McAlarney	Direct	10/7/18
11/7/18	Clr W Clarke	LA07/2017/1003/F	Update requested	A McAlarney	Direct e mail	11/7/18
16/7/16	Clr M Murnin	LA07/2017/1747/F	Update requested	A McAlarney	Direct e mail	17/7/18
18/7/18	Clr M Murnin	-----	Advice about erecting a sign	A McAlarney	E mail sent	19/7/18
" "	Clr W Walker	LA07/2018/0632/F	Update requested	A McAlarney	Direct e mail	19/7/18
19/7/18	C McGrath MLA	Local Development Plan	How to request rezoning of land?	M McIlhone	Telephone call	19/7/18
19/7/18	Clr R Mulgrew	-----	Query	P Rooney	Call transferred	19/7/18
" "	Clr W Walker	LA07/2018/0632/F	Further query re; recommendation	A McAlarney	Direct e mail	23/7/18
" "	C McGrath MLA	Brackenridge, Downpatrick	Query re Flooding	A McAlarney	Direct e mail	31/8/18



## CONTACT FROM PUBLIC REPRESENTATIVES – 2 July 2018 – 28 September 2018

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DATE	CALLER	REF	ISSUE	REFERRED TO	MODE	DATE CLEARED
23/7/18	Cllr D Curran	-----	-----	A McAlarney	Call transferred	23/7/18
" "	Cllr L Devlin	R/2014/0079	Update requested	A McAlarney	E mail sent	23/7/18
24/7/18	Cllr G Sharvin	LA07/2018/0394/F	Enquiry re: meeting with NIHE	A McAlarney	Direct e mail	30/7/18
25/7/18	Michael for C McGrath MLA	-----	Advice re: a mobile shop	P Rooney	E mail sent	25/7/18
26/7/18	Cllr G Craig	LA07/2016/1606/F	Arrange meeting with Planning & Roads.	A McAlarney	E mail sent	26/7/18
" "	P Weir MLA	R/2010/0371/F	Update requested	A McAlarney	Direct contact	6/8/18
27/7/18	Cllr W Walker	LA07/2017/1831/F	Meeting request	A McKay	Direct e mail	3/8/18
30/7/18	Cllr H Harvey	LA07/2017/0290/O	Update requested	A McAlarney	Direct e mail	2/8/18
1/8/18	W Irwin MLA	LA07/2018/0431/F	Update requested	A Davidson	E Mail sent	2/8/18
" "	Cllr W Walker	Castlewellan app.	When going to Committee?	A McAlarney	Direct e mail	2/8/18
" "	Cllr W Walker	-----	Who deals with Donaghmore?	A McAlarney	Direct e mail	2/8/18
" "	Cllr M Murnin	LA07/2016/.0599/F; LA07/2017/0272/F; LA07/2017/1800/F & LA07/2017/0324/F	Updates requested	A McAlarney	Direct e mail	2/8/18
" "	Cllr S Doran	LA07/2018/0358/F & LA07/2018/1151/RM	Updates requested	J McParland	Direct e mail	3/8/18
2/8/18	Cllr T Hearty	LA07/2017/1760/F	Query re: site visits	A Davidson	Direct e mail	3/8/18
3/8/18	Cllr W Walker	LA07/2017/1831/F	Meeting arranged for 9/8/18	A McKay	Direct e mail	3/8/18
" "	Cllr D Taylor	LA07/2017/0978/F	Update requested	A McAlarney	E Mail sent	7/8/18
4/8/18	Cllr S Doran	LA07/2015/1000/F	Update requested	A McAlarney	Direct e mail	6/8/18
6/8/18	C McGrath MLA	LA07/2017/0937/F	Update requested	A McAlarney	Direct e mail	6/8/18
7/8/18	C Boylan MLA	-----	Update requested	A Davidson	E mail sent	8/8/18
" "	Cllr D Taylor	LA07/2017/0978/F	Update requested	A McAlarney	E mail sent	7/8/18
8/8/18	Cllr L Devlin	-----	Query	A McAlarney	E mail sent	8/8/18
" "	W Irwin MLA	-----	PAD enquiry	J McParland	E mail sent	8/8/18
" "	Cllr M Murnin	Dev. Plan POP	Key Issue 9 ( T Wooley)	A McKay/A Hay 8.8.18	Direct e mail	8/8/18



## CONTACT FROM PUBLIC REPRESENTATIVES – 2 July 2018 – 28 September 2018

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DATE	CALLER	REF	ISSUE	REFERRED TO	MODE	DATE CLEARED
13/8/18	Cllr T Hearty	LA07/2018/0616	Update and site meeting Larkin's Road and Liscalgot Road.	A Davidson	Direct e mail	13/8/18
13/8/18	Cllr W Walker	LA07/2018/1104/F	Request for office meeting	A Hay – J McParland	Direct e mail	13/8/18
" "	C McGrath MLA	LA07/2017/0937/F	Update	A McAlarney	Direct e mail	13/8/18
" "	C McGrath MLA	LA07/2017/1458/F	Update	A McAlarney	Direct e mail	14/8/18
14/8/18	Cllr S Doran	LA07/2018/0190/RM	Query	A McAlarney	Direct e mail	14/8/18
" "	W Irwin MLA	LA07/2018/0390/O	Query who is the Case Officer?	J McParland	Direct e mail	14/8/18
15/8/18	C McGrath MLA	LA07/2016/0865/F	Update provided	A McAlarney	Direct e mail	15/8/18
17/8/18	Cllr W Walker	LA07/2018/1030/F	Letter of support – correct application	A McAlarney	Direct e mail	17/8/18
" "	Cllr T Hearty	LA07/2018/0616	Update and site meeting Larkin's Road and Liscalgot Road.	A Davidson	Direct e mail	17/8/18
18/8/18	Cllr L Kimmons	LA07/2017/1795/F	Update requested	A Davidson	Direct e mail	20/8/18
20/8/18	C McGrath MLA	LA07/2017/0750/F	Update requested	A McAlarney	Direct e mail	20/8/18
" "	C McGrath MLA	154 Loughinisland Rd	Update requested	A McAlarney	Direct e mail	20/8/18
" "	Cllr T Andrews	LA07/2017/1671/F	Update requested	A McAlarney	Direct e mail	20/8/18
" "	Cllr W Walker	LA07/2018/0340/F	Office meeting requested	A McAlarney	Direct e mail	20/8/18
" "	Cllr T Andrews	LA07/2017/1353/O	Update requested	A McAlarney	Direct e mail	20/8/18
" "	Cllr T Hearty	LA07/2018/1252/F	Information requested	A Davidson	Direct e mail	21/8/18
21/8/18	Cllr R Howell	Dundrum Playgroup	Query	A McAlarney	E mail sent	21/8/18
" "	Cllr W Walker	LA07/2018/0383/O	Request for meeting	A McAlarney	Direct e mail	21/8/18
" "	C McGrath MLA	LA07/2017/1701/F	Update requested	A McAlarney	Direct e mail	21/8/18
" "	Cllr L Devlin	-----	2.30pm t/call to C McGrath MLA	J McParland	E mail sent	22/8/18
" "	J McNulty MLA	LA07/2018/0722/F	Update requested	A Davidson	Direct e mail	22/8/18
22/8/18	Frances for S Bradley	-----	Requested a Davidsons e mail address	M McIlhone	Telephone call	22/8/18
23/8/18	C McGrath MLA	Development Plan	Query	M McQuiston	Call transferred	23/8/18

## CONTACT FROM PUBLIC REPRESENTATIVES – 2 July 2018 – 28 September 2018

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DATE	CALLER	REF	ISSUE	REFERRED TO	MODE	DATE CLEARED
" "	Cllr D McAteer	Development Plan	Query	M McQuiston	E mail sent	23/8/18
29/8/18	Cllr R Howell	LA07/2018/1148/F	What are amendments?	A McAlarney	E mail sent	29/8/18
31/8/18	Cllr R Mulgrew	-----	Returned call	A Davidson	E mail sent	31/8/18
5/9/18	Cllr R Mulgrew	LA07/2018/0753/F	Update	P Rooney/J McParland	E mail sent	5/9/18
6/9/18	Cllr G Sharvin	Gym Dock application	Query re Decision	A McAlarney	Direct e mail	6/9/18
7/9/18	Cllr C Enright	LA07/2018/1029/DCA	When will decision be made?	A McAlarney	E mail sent	7/9/18
10/9/18	Cllr L Devlin	LA07/2018/0001/F	Update requested	A McAlarney	Call transferred	10/9/18
" "	Cllr D Curran	-----	Advice requested	A McAlarney	Call transferred	10/9/18
" "	Cllr S Doran	LA07/2017/1326/F	Update requested	A McAlarney	Call transferred	10/9/18
11/9/18	Cllr D Taylor	LA07/2017/0978/F	Update requested	A McAlarney	Direct e mail	12/9/18
12/9/18	Cllr S Doran	-----	General advice	A McAlarney	Call transferred	12/9/18
" "	Cllr D Taylor	-----	Update	A Davidson	Call transferred	12/9/18
13/9/18	Cllr D Taylor	LA07/2017/1671/F	Update requested	A McAlarney	Direct e mail	19/9/18
17/9/18	Brenda for Sinead Bradley	-----	Update on an application at Drumalane Road, Newry	P Rooney	E mail sent	18/9/18
" "	Cllr J Rice	-----	Update on application at McKays Road, Castlewellan	A McAlarney	E mail sent	17/9/18
18/9/18	Brenda for Sinead Bradley	-----	Update on an application at Drumalane Road, Newry	P Rooney	Call transferred	18/9/18
20/9/18	Cllr W Clarke	-----	Meeting request	A McAlarney	Direct e mail	20/9/18
21/9/18	C McGrath MLA	-----	Query	A McKay	Call transferred	21/9/18
" "	Cllr L Devlin	LA07/2018/0442/F	Updates on 3 Applications	A McAlarney	Call transferred	21/9/18
24/9/18	Cllr D Curran	-----	Query	A McAlarney	Call transferred	24/9/18
25/9/18	C McGrath MLA	LA07/2016/0865/F	Query regarding Committee consideration	A McAlarney	Direct e mail	27/9/18
26/9/18	Cllr R Mulgrew	-----	Query	A Davidson	E mail sent	26/9/18
27/9/18	Cllr G Sharvin	Saul Pastoral Centre	PAD enquiry	A McAlarney	Direct e mail	27/9/18



## Newry, Mourne & Down District Council – September 2018

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### 1. Live Applications

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

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

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

## Newry, Mourne & Down District Council – September 2018

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### 3. Live applications per Case Officer

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

### 4. Decisions issued per month

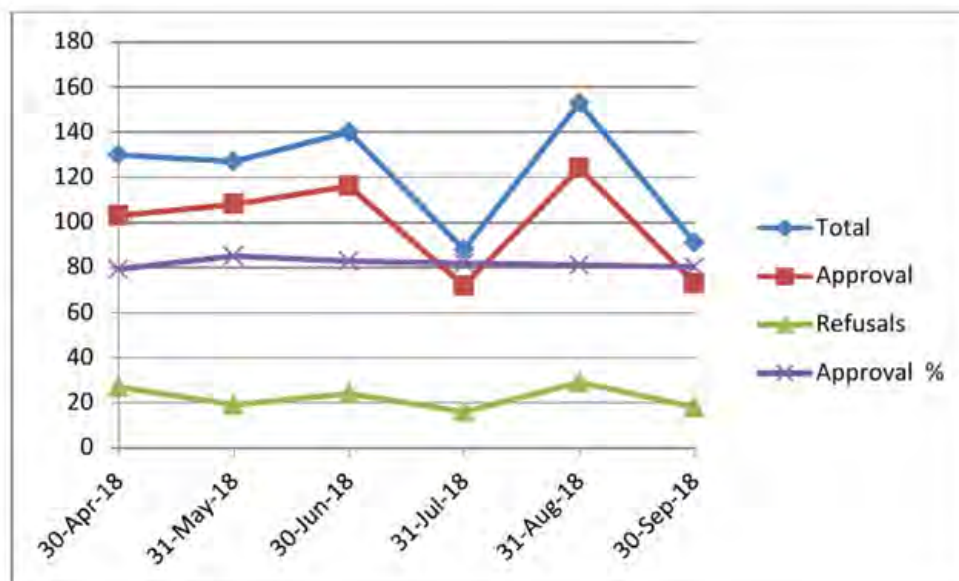
Month 2017/18	Number of Decisions Issued	Number of Decisions Issued under delegated authority
April	130	111
May	127	119
June	140	130
July	88	78
August	153	141
September	91	83



## Newry, Mourne & Down District Council – September 2018

### 5. Decisions Issued YTD

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



## Newry, Mourne & Down District Council – September 2018

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### 6. Enforcement Live cases

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

### 7. Planning Committee

Month	Number of Applications presented to Committee	Number of Applications Determined by Committee	Number of Applications Withdrawn/ Deferred for future meeting
11 April 2018	25	20	5
9 May 2018	17	10	7
6 June 2018	13	5	8
4 July 2018	14	6	8
1 August 2018	12	8	4
29 August 2018	13	4	9
26 September 2018	14	8	6
<b>Totals</b>	<b>108</b>	<b>61</b>	<b>47</b>

### 8. Appeals

#### Planning Appeal Commission Decisions issued during September 2018

Area	Number of current appeals	Number of decisions issued	Number of decisions Allowed	Number of decisions Dismissed	Other decisions
Newry & Mourne	16	1	1	0	0
Down	7	1	1	0	0
<b>TOTAL</b>	<b>23</b>	<b>2</b>	<b>2</b>	<b>0</b>	<b>0</b>

## Newry, Mourne &amp; Down District Council – September 2018

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Statutory targets monthly update - up to July 2018 (unvalidated management information)

Newry, Mourne and Down

	Major applications (target of 30 weeks)				Local applications (target of 15 weeks)				Cases concluded (target of 39 weeks)			
	Number received	Number decided/withdrawn <sup>1</sup>	Average processing time <sup>2</sup>	% of cases processed within 30 weeks	Number received	Number decided/withdrawn <sup>1</sup>	Average processing time <sup>2</sup>	% of cases processed within 15 weeks	Number opened	Number brought to conclusion <sup>3</sup>	"70%" conclusion time <sup>3</sup>	% of cases concluded within 39 weeks
April	0	2	110.4	0.0%	100	109	14.0	52.3%	49	6	170.2	66.7%
May	0	2	67.3	0.0%	116	118	16.9	43.2%	50	14	48.3	64.3%
June	1	1	20.2	100.0%	135	132	15.1	50.0%	49	25	49.2	60.0%
July	0	-	0.0	0.0%	107	81	15.2	49.4%	39	7	52.8	71.4%
August	0	-	0.0	0.0%	0	-	0.0	0.0%	0	-	0.0	0.0%
September	0	-	0.0	0.0%	0	-	0.0	0.0%	0	-	0.0	0.0%
October	0	-	0.0	0.0%	0	-	0.0	0.0%	0	-	0.0	0.0%
November	0	-	0.0	0.0%	0	-	0.0	0.0%	0	-	0.0	0.0%
December	0	-	0.0	0.0%	0	-	0.0	0.0%	0	-	0.0	0.0%
January	0	-	0.0	0.0%	0	-	0.0	0.0%	0	-	0.0	0.0%
February	0	-	0.0	0.0%	0	-	0.0	0.0%	0	-	0.0	0.0%
March	0	-	0.0	0.0%	0	-	0.0	0.0%	0	-	0.0	0.0%
<b>Year to date</b>	<b>1</b>	<b>5</b>	<b>48.6</b>	<b>20.0%</b>	<b>458</b>	<b>440</b>	<b>15.4</b>	<b>48.6%</b>	<b>187</b>	<b>52</b>	<b>48.0</b>	<b>63.5%</b>

Source: NI Planning Portal

**Notes:**

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

2. The time taken to process a decision/withdrawal is calculated from the date on which an application is deemed valid to the date on which the decision is issued or the application is withdrawn. 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".

## Newry, Mourne & Down District Council – September 2018

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*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.*



<b>Report to:</b>	Regulatory & Technical Services Committee	
<b>Date of Meeting:</b>	17 <sup>th</sup> October 2018	
<b>Subject:</b>	Request from Ulster Wildlife to allow culling of grey squirrels on Council owned land	
<b>Reporting Officer (Including Job Title):</b>	Kevin Scullion, Assistant Director Facilities Management and Maintenance	
<b>Contact Officer (Including Job Title):</b>	Aidan Mallon, Head of Maintenance and Danielle Begley, Biodiversity Officer	

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

**For decision**  **Y** **For noting only**

<b>1.0</b>	<b>Purpose and Background</b>
1.1	<p>Council have been approached by Ulster Wildlife to discuss working in partnership on their 'Red Squirrels United' project. This four-year project, funded by EU Life14 and Heritage Lottery Fund, will help prevent further spread of grey squirrels into areas that are currently home only to reds through conservation and community engagement activities.</p> <p>A key area within the project is Rostrevor Oakwood. The woodland is a haven for Red squirrels; however the greys living in Kilbroney park are a major threat.</p> <p>Ulster wildlife request permission to include Kilbroney Park in their culling efforts. Greys are culled by a licenced and trained officer using an air rifle. The officer carries out culling at times of the day when very few park users are present, usually at first light.</p> <p>Other Council owned sites, including Donard Park and Warrenpoint Town Park, could also be included in the culling efforts, as these are strongholds for greys re-populating red habitat.</p>
<b>2.0</b>	<b>Key issues</b>
2.1	<p>Once common, red squirrels have declined rapidly since the 1950s. Numbers in the UK have fallen from around 3.5 million, to a current estimated population of around 120,000. This is reflected across Ireland where the red squirrel population is now estimated to be less than 40,000.</p> <p>Red squirrels continue to be in serious decline due to disease, the loss and fragmentation of woodland habitat and competition from the more robust grey squirrel. There are now only a handful of refuges left for red squirrels in Northern Ireland.</p> <p>It is because of this that Red squirrels are afforded the highest level of protection</p>

	<p>in Northern Ireland under the Wildlife (NI) Order 1985. They have also been listed as a priority species in our Council Local Biodiversity Action Plan (LBAP).</p> <p>Within our Corporate Plan the Council commits itself to fulfil its statutory duty for biodiversity through implementation of our LBAP document.</p>
<b>3.0</b>	<b>Recommendations</b>
3.1	To approve the request from Ulster Wildlife to permit controlled culling of grey squirrels on council owned sites subject to proof of licence, Insurance and agreed Method Statement
<b>4.0</b>	<b>Resource implications</b>
4.1	Officer time.
<b>5.0</b>	<b>Equality and good relations implications</b>
5.1	It is not anticipated that the proposal will have an adverse impact upon equality of opportunity and good relations.
<b>6.0</b>	<b>Rural Proofing implications</b>
6.1	Due regard to rural needs has been considered.
<b>7.0</b>	<b>Appendices</b>
	None
<b>8.0</b>	<p><b>Background Documents</b></p> <p><i>This relates to meeting requirements outlined in Part 8 of the Local Government Act (NI) 2014, Access to Meetings and Documents, wherein for four years after a meeting the following must be available at the Council Offices and on the website:</i></p> <p><i>Background papers which are defined as those documents relating to the subject matter of a report which:</i></p> <ul style="list-style-type: none"> <li><i>a) Disclose any facts or matters which in the opinion of the Chief Executive, the report or an important part of the report is based upon; and</i></li> <li><i>b) Have, in the Chief Executive's opinion, been relied upon to a material extent in preparing the report.</i></li> </ul> <p><i>These are documents on which the report, or an important part of the report, is based upon and have been relied upon to a material extent in preparing the report.</i></p>

<b>Report to:</b>	Regulatory & Technical Services Committee	
<b>Date of Meeting:</b>	17 <sup>th</sup> October 2018	
<b>Subject:</b>	Update on proposal to provide local communities an environmentally sustainable option of planting Christmas Trees	
<b>Reporting Officer (Including Job Title):</b>	Kevin Scullion, Assistant Director Facilities Management & Maintenance	
<b>Contact Officer (Including Job Title):</b>	Kevin Scullion, Assistant Director Facilities Management & Maintenance	

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

<b>For decision</b>	<input type="checkbox"/>	<b>For noting only</b>	<input checked="" type="checkbox"/>
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<b>1.0</b>	<b>Purpose and Background</b>
1.1	At last month's Committee Meeting it was agreed to proceed with the Environmentally Sustainable Option of Planting Christmas Trees Project and authorisation was approved for the purchase of five Christmas Trees. Subsequent to this, the Council's Sub Committee on Christmas Illuminations met and through discussion recommended that the number of trees to be purchased be increased from five to seven.
<b>2.0</b>	<b>Key issues:</b>
2.1	The two additional sites to be considered are: <ul style="list-style-type: none"> <li>1. Lower Green in Castlewellan</li> <li>2. Lislea Green in Crossgar.</li> </ul> <p>The tender has now been issued for this purchase and closed on the 24<sup>th</sup> September 2018.</p>
<b>3.0</b>	<b>Recommendations:</b>
3.1	Council agree to purchase of seven number Christmas trees of the species Abies Nordmanniana at a height of 4.5 metre (from ground level to tip) for planting at seven agreed locations.
<b>4.0</b>	<b>Resource implications</b>
4.1	Officer time. <p>Available Revenue budget for purchase of Christmas Trees in this current financial year is £35,000.00. This budget was initially set based on supply of "cut" trees but it is proposed to use this budget location for the purchase of Christmas trees which are to be planted.</p>

<b>5.0</b>	<b>Equality and good relations implications:</b>
5.1	It is not anticipated that the proposal will have an adverse impact upon equality of opportunity and good relations.
<b>6.0</b>	<b>Rural Proofing implications</b>
6.1	Due regard to rural needs has been considered.
<b>7.0</b>	<b>Appendices</b>
	<b>None</b>
<b>8.0</b>	<p><b>Background Documents</b></p> <p><i>This relates to meeting requirements outlined in Part 8 of the Local Government Act (NI) 2014, Access to Meetings and Documents, wherein for four years after a meeting the following must be available at the Council Offices and on the website:</i></p> <p><i>Background papers which are defined as those documents relating to the subject matter of a report which:</i></p> <ul style="list-style-type: none"> <li><i>a) Disclose any facts or matters which in the opinion of the Chief Executive, the report or an important part of the report is based upon; and</i></li> <li><i>b) Have, in the Chief Executive's opinion, been relied upon to a material extent in preparing the report.</i></li> </ul> <p><i>These are documents on which the report, or an important part of the report, is based upon and have been relied upon to a material extent in preparing the report.</i></p>



<b>Report to:</b>	Regulatory & Technical Services Committee
<b>Date of Meeting:</b>	17 <sup>th</sup> October 2018
<b>Subject:</b>	Structural Condition of Steps at South Promenade, Newcastle
<b>Reporting Officer (Including Job Title):</b>	Kevin Scullion, Assistant Director Facilities Management & Maintenance
<b>Contact Officer (Including Job Title):</b>	Kevin Scullion, Assistant Director Facilities Management & Maintenance

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

<b>For decision</b>	<input type="checkbox"/>	<b>Y</b>	<b>For noting only</b>	<input type="checkbox"/>
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<b>1.0</b>	<b>Purpose and Background</b>
1.1	<p>An inspection was carried out to report on the structural condition of the steps at South Promenade, Newcastle, as concern had been raised regarding erosion at the steps. Attached at Appendix 1 are photographs showing the location of the steps.</p> <p>A Structural Engineer was appointed to examine the steps and he as reported as follows.</p> <p>The steps lead from the car park down onto the beach approximately 100m South of the Shimna River along Central Promenade. There are 10 steps constructed in concrete which lead down onto the beach. The steps are approximately 1m wide and 0.9m long &amp; 0.3m deep with rock armour on the townward side and natural rounded boulders set in concrete on the Harbor side. The concrete rests on boulders and stones.</p> <p>Inspection indicates there was erosion to the stone armour. The steps are being undermined to the underside with the erosion. The bottom step which is independent and is not connected to the rest of the steps has sunk. There has been previous concrete repairs carried out. Approximately 20m South of the steps a large area of stone armouring has been eroded.</p> <p>A section of stone/concrete armouring approximately 2m long x 0.9m wide has been washed away and the remaining armouring has been undermined by approximately 0.5 - 0.75m. Pockets of erosion have also occurred under the steps by up to 0.6m. The section to the South approximately 10m x 10m has been eroded by wave action.</p> <p>The voids to the underside of the steps should be infilled with concrete grout. This could be done by shuttering both sides of the steps and infilling the voids. The stone/concrete armouring to the sides of the steps to be replaced. The bottom step to be repaired and repositioned. The adjacent eroded area of stone/concrete armouring should be replaced and made good.</p>

	The breaching of the armouring weakens the entire defence system as this will rapidly disintegrate. The larger area of stone armouring also affords protection to the pedestrian footpath and roadway. Carrying out these works will require a Marine Licence.
<b>2.0</b>	<b>Key issues:</b>
2.1	<ul style="list-style-type: none"> <li>• The structural condition of steps at South Promenade which lead from the walkway to the beach have been examined by a Structural Engineer following concern raised about the impact of coastal erosion on the steps.</li> <li>• The report from the Structural Engineer has made a number of recommendations for repair to the steps.</li> <li>• Such repair work will require a Marine Licence before works can commence.</li> </ul>
<b>3.0</b>	<b>Recommendations:</b>
3.1	Approval to proceed to submit an application for a Construction Marine Licence to DAERA to undertake repairs to concrete steps at South Promenade, Newcastle.
<b>4.0</b>	<b>Resource implications</b>
4.1	Marine Licence application fee and advertisement costs of approximately £900.00.  Cost to undertake works not known at present.
<b>5.0</b>	<b>Equality and good relations implications:</b>
5.1	It is not anticipated that the proposal will have an adverse impact upon equality of opportunity and good relations.
<b>6.0</b>	<b>Rural Proofing implications</b>
6.1	Due regard to rural needs has been considered.
<b>7.0</b>	<b>Appendices</b>
	Appendix 1 – Photographs of erosion to steps at South Promenade, Newcastle
<b>8.0</b>	<b>Background Documents</b>  <i>This relates to meeting requirements outlined in Part 8 of the Local Government Act (NI) 2014, Access to Meetings and Documents, wherein for four years after a meeting the following must be available at the Council Offices and on the website:</i>  <i>Background papers which are defined as those documents relating to the subject matter of a report which:</i> <ol style="list-style-type: none"> <li><i>a) Disclose any facts or matters which in the opinion of the Chief Executive, the report or an important part of the report is based upon; and</i></li> <li><i>b) Have, in the Chief Executive's opinion, been relied upon to a material extent in preparing the report.</i></li> </ol> <i>These are documents on which the report, or an important part of the report, is based upon and have been relied upon to a material extent in preparing the report.</i>

### Appendix 1– Photographs of erosion to steps at South Promenade, Newcastle



Photo 1 - View of steps and adjoining car park





Photos 2 - View of Steps from beach



<b>Report to:</b>	Regulatory & Technical Services Committee
<b>Date of Meeting:</b>	17 <sup>th</sup> October 2018
<b>Subject:</b>	Bus Shelter at Cloughreagh Park, Bessbrook
<b>Reporting Officer (Including Job Title):</b>	Kevin Scullion, Assistant Director Facilities Management & Maintenance
<b>Contact Officer (Including Job Title):</b>	Kevin Scullion, Assistant Director Facilities Management & Maintenance

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

<b>For decision</b>	<input checked="" type="checkbox"/>	<b>Y</b>	<b>For noting only</b>	<input type="checkbox"/>
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<b>1.0</b>	<b>Purpose and Background</b>
1.1	<p>At the Council's Monthly Meeting in July 2018 a number of actions were agreed in relation to responding to a request to have a bus shelter or shelters installed within the Cloughreagh/John F Kennedy Park developments and to contact Translink in relation matters raised by local residents.</p> <p>Below are the specific actions agreed along with the action taken:</p> <ul style="list-style-type: none"> <li>NMDC consult within the guidelines of the Council - with residents within 50metres of the site, on the options of erecting two bus shelters located at Cloughreagh Community Centre and Oak Close.</li> </ul> <p>Two sites were identified, one at John F Kennedy Park, Bessbrook, adjacent to the Arches Housing Development and a second site at Cloughreagh Park adjacent to Oak Close, Bessbrook.</p> <p>Both sites have been considered having due regard to the Council policy on bus shelter requests and the findings from this are provided at Appendix 1.</p> <ul style="list-style-type: none"> <li>Translink to be asked by NMDDC why some residents and elected members were being told that the originally approved site was recommended, but advising other residents and elected members that it wasn't and allegedly Translink were on record as stating this.</li> </ul> <p>A letter was sent to Translink dated 31<sup>st</sup> July 2018 and Translink responded in a letter dated 3<sup>rd</sup> August 2018 as follows:</p> <p><b>"Thank you for your letter dated 31<sup>st</sup> July 2018 in relation to the bus shelter in Cloughreagh Park. When Translink were first approached in relation to this shelter our Inspector visited the site and was satisfied that we were getting a shelter put into the area by the Council. There were a number of alternative sites which would also have suited our</b></p>

	<p><b>needs but we had no objection to the site offered by the Council.</b></p> <p><b>When offering our bus services Translink are always grateful to get facilities which will benefit our passengers. This was the case in Cloughreagh and we were not going to object to the provision of a bus shelter being provided".</b></p> <ul style="list-style-type: none"> <li>local residents speak directly to Translink to discuss this matter further, seeking clarity on this matter.</li> </ul> <p>Action for local residents.</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	To proceed with the recommendations provided in Appendix 1 of the report.
<b>4.0</b>	<b>Resource implications</b>
4.1	Officer time.  Capital budget within this financial year for provision of bus shelters. Capital budget of £135,000 over financial years 2017/18 to 2021/2022
<b>5.0</b>	<b>Equality and good relations implications</b>
5.1	It is not anticipated that the proposal will have an adverse impact upon equality of opportunity and good relations.
<b>6.0</b>	<b>Rural Proofing implications</b>
6.1	Due regard to rural needs has been considered.
<b>7.0</b>	<b>Appendices</b>
	Appendix 1: Report on Bus Shelter Requests
<b>8.0</b>	<b>Background Documents</b>
	<p><i>This relates to meeting requirements outlined in Part 8 of the Local Government Act (NI) 2014, Access to Meetings and Documents, wherein for four years after a meeting the following must be available at the Council Offices and on the website:</i></p> <p><i>Background papers which are defined as those documents relating to the subject matter of a report which:</i></p> <ol style="list-style-type: none"> <li><i>Disclose any facts or matters which in the opinion of the Chief Executive, the report or an important part of the report is based upon; and</i></li> <li><i>Have, in the Chief Executive's opinion, been relied upon to a material extent in preparing the report.</i></li> </ol> <p><i>These are documents on which the report, or an important part of the report, is based upon and have been relied upon to a material extent in preparing the report.</i></p>

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

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

#### **1. New bus shelter at John F Kennedy Park, Bessbrook**

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

At the Councils Monthly Meeting in July 2018 it was agreed to consider this application under the Council policy for requests for bus shelters.

Table 1 below summarises 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 provided Cantilever type structure used, location in accordance with submitted plans, and future liability and maintenance is with Council. Before installation Council must enter into Licence Agreement with Dfi	Complies with Policy
PSNI	No objections	Complies with Policy
Translink	Translink would pick up at least 40 passengers from this area.	Complies with Policy
Local property owners/residents within 50 metre radius of proposed site	20 residents consulted. 4 responses received, 2 for and 2 against.  Less than one third of residents consulted objected to the bus shelter.  Kidzone Play Group (one of the two objectors) objected on road safety grounds. Their concerns were relayed to Dfi for comment – see Note 1 for Dfi response.	Complies with Policy  Note 1: While the safety of road users is paramount in everything that DfI Roads do, I am of the opinion that the inclusion of a bus stop at this location will not prejudice road safety. Rule 223 & 243 of the Highway Code advises that road users should give priority to buses (223) and not park at or near bus stops (243) except when forced to do so by stationary traffic. From the information provided there also appears to be no direct conflict in timings. However, I appreciate there may be early arrivals for school pickups.

		<p>The promotion of sustainable modes of transport is a key aspect of the Programme for Government (indicator 25) to increase the use of public transport and active travel. This will play a small part in that objective.</p> <p>It should also be noted that the provision of both the proposed bus shelters within the Cloughreagh Park area would provide for better access within acceptable walking distances for those wishing to use the service rather than a single central location.</p>
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### **Recommendations**

A cantilever type bus shelter (no side panels) to be erected at this location in accordance with Dfi agreement.

## **2. New bus shelter at Cloughreagh Park, Bessbrook**

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

At the Councils Monthly Meeting in July 2018 it was agreed to consider this application under the Council policy for requests for bus shelters.

Table 2 below summarises 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	No objections in principle, provided Cantilever type structure used, location in accordance with submitted plans, and future liability and maintenance is with Council. Before installation Council must enter into Licence Agreement with Dfi	Complies with Policy
PSNI	No objections	Complies with Policy



Translink	Translink would pick up at least 40 passengers from this area.	Complies with Policy
Local property owners/residents within 50 metre radius of proposed site	20 residents consulted. 12 responses received, 5 for and 7 against. As more than one third (35%) of residents consulted have objected to the shelter it fails to meet policy requirements  Once refused a request may not be reconsidered for a further 12 month period.	Does not comply with Policy

### **Recommendations**

A bus shelter should not be erected at this location as it does not fulfill all the criteria as per Council policy.

## **A Meeting of the Strategic Waste Issues Working Group was held at Monaghan Row Offices on 22 August 2018.**

Present at the Meeting were:

In the Chair; Councillor Charlie Casey

In attendance: Councillor Craig, Councillor Andrews, Councillor Stokes.

Apologies recorded for Councillors Mc Auley, Doran, Enright.

Officers: Mr Joe Parkes and Mrs Tara Cunningham

Officers in attendance: Mr Roland Moore, Director of Neighbourhood Services  
(Acting)

Mr Liam Dinsmore, Head of Waste Processing  
Mr Patrick Mc Shane, Environmental Co-Ordinator

Councillor Andrews proposed, seconded by Councillor Craig that Councillor Casey retain the Chair for the Working Group during the present year.

### **1. To consider Minutes of Strategic Waste Working Group**

Read Minutes of Working Group held on 19 December 2017 and 8 February 2018. *Noted* that Minutes for February Meeting were for a single issue and that Minutes for December 2017, recorded the wider brief for the Committee.

### **2. To Restate 9-Point Plan agreed by Strategic Waste Management Group**

Read: Immediate, Short-term and Long Term Strategic Waste Actions (memo dated 22 August from Mr L Dinsmore ).

Mr Dinsmore advised that he had updated the 9-point plan.

Councillor Andrews noted that point to implement a common-collection system for glass had been dropped to Point No.9, due to fact that this would shortly be implemented.

### **Recommendation: Updated 9-Point Plan updated on the proposal of Councillor Andrews, as seconded Cllr Craig.**

### **3. To consider issues relating to current educational outreach to schools from a recycling perspective.**

Mr Dinsmore advised that following the RTS Committee which had met on 20 June 2018, decision had been taken to submit an update report to the Strategic Waste Working Group and as such to address this requirement, Mr Mc Shane would present the update report to the Committee.

Mr Patrick Mc Shane, Environmental Co-Ordinator, proceeded to outline initiatives undertaken in this respect as follows:-

- \*Schools Awareness Newsletter
- \*Eco-Schools Information Events
- \*Schools Environmental Poster Competition
- \*Calendar Postal Prize Giving
- \*Environmental Calendar
- \*Youth Speak Competition
- \*Eco-Schools
- \*School Talks/Arc21 bus, as examples of ongoing initiatives to the total of 123 Schools in the District.

*Noted* Emphasis on Food Waste and Brown Bin during 2017/18.

Mr Dinsmore confirmed close links with Waste Management and advised as to door-stepping to target areas not perceived to achieve recycling levels. Councillor Casey thanked Mr Mc Shane for his update.

**It was agreed: On proposal of Councillor Craig as seconded by Councillor Andrews, as follows:-**

1. To adopt the schedule of activities to be provided by AHC.
2. Arising from Waste Services proposal that Education Officers now do liaise with Waste Services:-
  - \* to distribute kitchen caddies on a one-off basis, one for each classroom, for primary schools collected by the Council. *Noted* 97 schools.
  - \* caddies to be made available to pre-school facilities, where deemed beneficial to reduce food waste collection tonnages.
3. To note Report of Neighbourhood Services Waste Team Meeting, 3 May 2018.

3(a) (Read; Minutes of Waste Team Meeting, 3 May 2018).

Mr Dinsmore advised that Minutes were from an Officers Meeting, which group review within Waste Services regarding all aspects of Waste Reduction.

Mr Dinsmore went on to say that it was through this group that Strategic Waste Strategy initiatives were implemented.

***Report was noted .***

3(b) Waste Strategy

(Read Waste Strategy Report: Document Control update June 2018)

The Working Group reviewed the current version of the Councils Waste Strategy as highlighted strategies and programmes for 2018/19 and 2019/20.

Group members noted current recycling performance and noted future initiatives.

Mr Moore advised that it was important that the Group did note that Officers would regularly report as to the success of different initiatives, with Glass Co-Mingled Project and Civic Amenity Sites the current main focus areas along with ongoing education and communications initiatives.

Councillor Casey asked that the first collection time at 7.30am, be respected by collection squads, as bins not collected did lead to contamination.

**Recommendation: Reports were adopted on the recommendation of Councillor Craig as seconded by Councillor Andrews.**

#### **4. To consider correspondence from DAERA Ref: Quarterly Waste Management Statistics**

Councillor Casey advised that this item and Report from Mr Joe Parkes, Assistant Director E Waste, to be taken concurrently due to similar nature of Reports.

**(Read: 4a) The Northern Ireland Local Authority Collected Waste Management Statistics, 26 July 2018.**

**4b) Report from Mr Joe Parkes, Recycling Performance 2017/18 v 2016/17.)**

Mr Dinsmore provided detail from the Reports:

- a.recycling level 2017/17 provisionally recorded at 46.2%
- b.continued downward trend for Black Bin Wastes(14.5% by weight)
- c.increase in Blue Bin Recovery(3%)
- d.increase in Brown Bin Recovery(60%)

Following in-depth discussion regarding the statistics, Councillors expressed satisfaction with detail provided and the fact that Council did appear to be on target to achieve a 50% rate by 2020.

Discussion held regarding longer term strategy and other available options. Mr Dinsmore referred to APSE, State of the Market Surveys and agreed to place to next Agenda.

**Recommendation: a) Reports were marked Noted.**



## **5. To consider Communications and Educational Initiatives Relative to Waste Strategy.**

Mr Dinsmore advised as to four areas of work:

- Recycle Right: Your easy guide to recycling
- Ongoing Communication Events
- Role for Education Officers
- Door Stepping Proposal

Councillor Stokes and Craig asked that Communications be kept high on the Agenda.

### **Recommendation:**

- a) Officials to consider proposal to Rates Estimates to continue to provide Recycle Bags to be available free-of-charge and to review options in this respect.**
- b) Brown bins to be available Free of Charge to end-September.**
- c) Officials to continually review Communications initiatives and to design same to seek to achieve greatest impact Ref: Recycling Performance *Noted* upcoming project to introduce a fully-comingled collection system at Downpatrick.**

## **6. Date of next Meeting**

*Noted* next meeting scheduled at November 2018.

Signed **P.W. Dinsmore**  
**Head of Waste Processing**

4 September 2018



Enforcement Branch  
Klondyke Building  
Cromac Avenue  
Gasworks Business Park  
Malone Lower  
Belfast  
BT7 2JA

Mr Roland Moore  
Director of Neighbourhood Services  
Newry, Mourne and Down District Council  
Newry Office  
O'Hagan House  
Monaghan Row  
Newry  
BT35 8DJ

20 September 2018

Dear Mr Moore

**Re: Illicit Dumping/Fly-tipping**

Thank you for your letter dated 10 September 2018 in respect of the above subject. As you are aware, the NIEA ran a campaign during June and early July this year which attempted to highlight the issues of fly-tipping and in particular the waste 'duty of care'. Indeed, I note you have highlighted this campaign which referenced the incidences of fly-tipping dealt with by NIEA across all Council areas.

Informal feedback on that campaign and its drive to raise the profile of issues around fly-tipping and the need for compliance with the waste 'duty of care' was largely positive. It has been discussed through the Joint Government Waste Working Group and its Sub-Group on fly-tipping. One of the outcomes of the latter discussion was a tacit agreement that a further campaign should be run, insofar as possible, jointly with Councils and other stakeholders. To that end, the Sub-Group have arranged a meeting at Klondyke Building in Belfast on 2 October 2018. Sub-Group representative Council communications officers have been invited to this meeting, the purpose of which is to discuss a draft plan for further joint communications. The outcomes from this meeting will, of course, be communicated further in due course primarily through the Joint Government Waste Working Group and or by way of separate letter to all Councils.

In addition, you will also be aware of the ongoing work being conducted through the Sub-Group on Fly-tipping to address operational arrangements on fly-tipping between NIEA and all Councils. That work is progressing well with a draft protocol ready within weeks to be provided to Councils for comment.





Alongside the draft protocol the intent, subject to further feedback and any potential legal issues arising, is for the Department of Agriculture, Environment and Rural Affairs (DAERA) to introduce a Commencement Order, which would bring into operation powers under Articles 4 and 5 of the Waste & Contaminated Land (Northern Ireland) Order 1997 as amended by way of the Waste (Amendment) (Northern Ireland) Order 2007 and the Waste and Contaminated Land (Amendment) Act (Northern Ireland) 2011. This will provide Councils the ability to further tackle fly-tipping with, for example, the power to issue fixed penalty notices in respect of fly-tipping and to retain the income generated. The powers under Article 4, for example, also bring with them the potential for fines of up to £50,000 in the Magistrates courts and unlimited fines in the Crown court.

I hope this goes some way to assure you and Council that the issue of fly-tipping and its negative effects are being given distinct attention.

I will be in touch separately to arrange a suitable meeting to further discuss as appropriate. In the meantime, I look forward to working in co-operation with Council to supplement the ongoing work and explore further opportunities to tackle the issue of fly-tipping.

Yours sincerely



**Derek Williamson**  
Assistant Director





Department for

**Infrastructure**

An Roinn

**Bonneagair**[www.infrastructure-ni.gov.uk](http://www.infrastructure-ni.gov.uk)

Our Ref: IN1-18-11501  
Doc No: 551267

Roland Moore  
Director of Neighbourhood Services  
Newry Mourne and Down District Council  
O'Hagan House  
Monaghan Row  
Newry  
BT35 8DJ

Dfl Rivers  
Armagh Sub Office  
44 Seagoe Industrial Estate  
Craigavon  
BT63 5QE  
T: 02838 399 111  
E: Rivers.Armagh@Infrastructure-  
ni.gov.uk

28<sup>th</sup> September 2018

Dear Sir/Madam

**Re: Clanrye River Newry**

I refer to your letter dated 10<sup>th</sup> September 2018, regarding the Clanrye River , Newry.

Dfl Rivers would be content to be involved in discussions regarding our maintenance remit to the river and continue to work with other bodies in a partnership approach. I was personally involved in a group which was consulted as part of a feasibility study the council commissioned for a weir on the Clanrye River a number of years ago. This however was ,at the time, deemed to have insufficient cost benefit for further progression.

If a meeting is proposed please include myself in any invite and I will endeavour to make myself available.

Should you require any further information or clarification, please do not hesitate to contact me quoting the above reference number.

Regards

**Alistair Payne**  
Armagh Area Engineer



**Southern Division**

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

Marlborough House  
Central Way  
Craigavon  
BT64 1AD

Tel: 0300 200 7892  
E-mail:  
[DFIRoads.Southern@infrastructure-ni.gov.uk](mailto:DFIRoads.Southern@infrastructure-ni.gov.uk)

Your Ref:  
Our Ref: 86531-18

Date : 27 September 2018

Dear Mr Moore

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

Unfortunately, due to contractual difficulties, the implementation of weed control measures by DfI Roads was initiated late in the 2018 season and has been further hampered by unfavourable weather conditions.

I can assure you that weed spraying in the area is progressing, however, it is weather dependant and requires dry, calm conditions for spraying to be fully effective.

It is anticipated, weather permitting, that weed spraying in the Newry, Mourne and Down area will be completed in the coming weeks.

I hope you find this reply helpful

Yours sincerely

  
PP **J A HAMILTON**  
Network Maintenance Manager

<b>Report to:</b>	Regulatory and Technical Services
<b>Date of Meeting:</b>	17 October 2018
<b>Subject:</b>	Scheme of Delegation Report
<b>Reporting Officer (Including Job Title):</b>	Roland Moore, Director of Neighbourhood Services
<b>Contact Officer (Including Job Title):</b>	Roland Moore, Director of Neighbourhood Services

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

For decision	<input type="checkbox"/>	For noting only	<input checked="" type="checkbox"/>
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<b>1.0</b>	<b>Purpose and Background</b>
1.1	<p>Attached is a schedule of decisions and authorisations delegated to Roland Moore, Director of Neighbourhood services under the following categories:</p> <ol style="list-style-type: none"> <li>1. Engaging consultancy assistance below the delegated level of £2,000.</li> <li>2. Decision to commence formal restructuring within a Department or Departments</li> <li>3. Consultation responses other than technical responses where officers asked for Members views.</li> <li>4. Decisions arising from external report on significant Health and Safety at Work.</li> <li>5. In cases of emergency, the allocation or awarding of Financial Assistance to external groups or organisation below the delegated level of £300; and</li> <li>6. Other decisions such as those with political media or industrial relations implications that Directors consider Members should be aware of.</li> </ol>
<b>2.0</b>	<b>Key Issues</b>
2.1	None
<b>3.0</b>	<b>Recommendation</b>
3.1	That the Committee note the report.
<b>4.0</b>	<b>Resource Implications</b>
4.1	Not applicable.
<b>5.0</b>	<b>Equality and good relations implications</b>
5.1	The Council will have due regard to the need to promote equality of opportunity between the nine equality categories. Council will also seek to promote Good Relations between people of different Religious Belief, Political opinion and Ethnic Origin.
<b>6.0</b>	<b>Rural Proofing implications</b>
6.1	Officers confirm due regard to rural needs has been considered.
<b>7.0</b>	<b>Appendices</b>
7.1	<b>Schedules</b>

**SCHEME OF DELEGATION (ENVIRONMENTAL CRIME)**

<b>Details</b>	<b>Additional Comments</b>
Commence legal proceedings in relation to breach of Section 22 (1) of the Dogs (NI) Order 1983 – potential to cause harm to humans.	Permitted dog to stray in a public place.
Commence legal proceedings in relation to breach of Section 22 (1) of the Dogs (NI) Order 1983 – potential to cause harm to humans.	Permitted dog to stray in public place.
Commence legal proceedings in relation to failure to complete and return Article 20 Notice.	Article 20 (3) The Litter (NI) Order as amended by the Clean Neighbourhoods and Environment Act 2011.
Commence legal proceedings in respect of failing to respond to a Section 47 Notice under the Clean Neighbourhoods and Environment Act (NI) 2011.	Allowed 3 dogs to foul at Murlough Nature reserve and failed to clean up.

**SCHEME OF DELEGATION (USE OF COUNCIL LAND)**

<b>Council Land Requested/Details of Event</b>	<b>Dates</b>	<b>Fee Waived/Paid/Discounted/NA</b>
Request to use Lower Square, Kilkeel for Annual 11 <sup>th</sup> July Concert.	11 July 2018	NA
Request to have a charity stand on Newcastle's beach front.	8 July 2018	NA
Request to have a charity stand on Newcastle's beach front.	17 and 24 August	NA
Request to use Lower Square, Kilkeel for Christmas Concert	15 December	NA



**SCHEME OF DELEGATION (OTHER DECISIONS)**

<b><u>Name of Attendee</u></b>	<b><u>Details of Conference</u></b>	<b><u>Date of Conference</u></b>
Roland Moore	Resource Efficiency and Waste Management Exhibition in Birmingham	12 and 13 September 2018
Kevin Scullion	APSE Annual Seminar in Edinburgh	12 and 13 September 2018



**JOINT COMMITTEE**  
**30 August 2018**

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**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 – Senior Management Interim Arrangements****For approval**

Following notice of the retirement of John Quinn as Chief Executive as reported to the May meeting, the Joint Committee subsequently agreed at the June Committee to initiate a process for ensuring business continuity through Acting Up by Senior Management during the period when the post remains vacant.

A report detailing the outcome of this process will be tabled at the meeting. The Joint Committee will be asked to consider the recommendations therein.

**Item 4 - Minutes of Joint Committee Meeting 032 held on 28 June 2018****For approval**

The Joint Committee's approval is sought for the minutes of the meeting held on 28 June 2018.

**Item 5 - Matters Arising****'IN COMMITTEE' ITEMS - COMMERCIALY CONFIDENTIAL****Item 6 - Minutes of Joint Committee Meeting 032 held on 28 June 2018 held 'in committee'****For approval**

The Joint Committee's approval is sought for the minutes of the meeting held on 28 June 2018 'in committee'.

**Item 7 - Matters Arising**





**JOINT COMMITTEE**  
**30 August 2018**

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

#### **For noting**

**Planning Permission** – following the decision of the Northern Ireland Court of Appeal to give its judgement on 6 July 2018 (before the end of the courts summer term) and dismiss the appeal made by the Department for Infrastructure, the Department has not to date exercised the right to further appeal to the UK Supreme Court (based in London) to dismiss its appeal of the High Court judgement delivered on 14 May 2018 and the associated order that rescinded the grant of planning permission for developing the Hightown Quarry as part of arc21's residual waste treatment project.. As the normal time limit to appeal (3 August 2018) has expired and it has been reported in the news media that the Department in response to questions has indicated it does not to intend to appeal further, this implies that the Department have accepted they acted *ultra vires* in granting planning permission for developing waste treatment infrastructure at Hightown Quarry and the order of the High Court to quash the granting of planning permission stands unchallenged. However, on the 9 August 2018 the Attorney General of Northern Ireland filed documents with the UK Supreme Court that referred five questions that are grounded in the devolution settlement for Northern Ireland for which the Attorney General seeks clarity from the Supreme Court. It is anticipated that the arguments around what the answers to these questions should be will be similar to the arguments that were deployed in the Northern Ireland Belfast courts for arc21's project.

**Grid Connection** - An extension of time for NIE Networks to provide a connection offer has been granted by the Utility Regulator to complete the technical studies.

### **Item 9 - Organic Waste Treatment Contract**

#### **For noting**

Members are advised that a report on considerations with respect to the treatment facility is likely to be submitted to the next meeting of the Joint Committee.

### **OUT OF COMMITTEE & RETURN TO MAIN AGENDA**

### **Item 10 - Contracts and Performance Update**

#### **All for noting except Recovery/Disposal of Residual Waste which is for approval**

Sustained dry spell has caused a reduction in arc21 Organics tonnages in comparison to same period in 2017.



One incident of a rejected load in July 2018 delivered into Organics delivery site.

Incident at Antrim Transfer Station leading to significant damage to party wall.

Contract high tonnage for Textiles in July 2018.

Approval sought for main elements for a new Recovery/Disposal Residual Waste Contract.

Contract for the collection and treatment of WEEE Display Units entered into.

### **Item 11 - Revenue Estimates**

#### **For approval**

The Joint Committee is presented with the proposed Revenue Estimates of arc21 setting out the costs involved in the range of operational activities in the medium term, as required covering the next three years, for approval.

Taking into account the current rate of inflation, the pay award agreement which expires in March 2020 and high level guidance from Constituent Councils, the estimated expenditure of the Joint Committee represents an increase of around 1% year on year, as shown in Appendix B.

Specifically, the estimated costs of running the Joint Committee in 2019/20 year are £1.178m compared to £1.165m in 2018/19, representing a 1.12% increase.

The Mid Year Population Estimates provided by NISRA are used to allocate the costs to Participant Councils and the most up to date population statistics, for 2017, together with the reallocation of costs, can be seen in Appendix B.

Periodic reviews of the Waste Management Plan are required to be undertaken and provision has been made for this work to be done in 2019/20.

Details of other costs that Councils need to consider, such as the Educational Vehicle service, Waste Treatment and Supplies Contracts and Land Assembly costs, have been provided separately to Council Officers as budget provision is dependent on their own individual requirements.



### **Item 12 - Environmental Consultation**

#### **For noting**

The purpose of the consultation was to seek views on the use of environmental principles and accountability for the environment in England following the UK's exit from the EU.

### **Item 13 - NILAS 2017/18**

#### **For noting**

The NIEA have issued the draft reconciliation letter covering the 2017/18 position.

All arc21 Councils have met their target this year and there is no requirement to initiate the Transfer protocol.

**Next Meeting: Thursday 27 September 2018 to be hosted by Antrim and Newtownabbey Borough Council**

**ITEM 4**  
**ARC21 JOINT COMMITTEE**  
**Meeting No 032**  
**Hosted by Lisburn & Castlereagh City Council**  
**MINUTES**  
**Thursday 28 June 18**

**Members Present:**

Councillor M Magill	Antrim and Newtownabbey Borough Council
Alderman R Gibson ( <i>Deputy Chair</i> )	Ards and North Down Borough Council
Alderman A Carson	Ards and North Down Borough Council
Councillor O Gawith	Lisburn & Castlereagh City Council
Councillor D O'Loan ( <i>Chair</i> )	Mid and East Antrim Borough Council
Councillor B Adger	Mid and East Antrim Borough Council
Councillor D Curran	Newry, Mourne and Down District Council

**Members' Apologies:**

Councillor S Ross	Antrim and Newtownabbey Borough Council
Councillor A Cathcart	Ards and North Down Borough Council
Councillor G Milne	Belfast City Council
Councillor M Collins	Belfast City Council
Councillor J Bunting	Belfast City Council
Alderman J Tinsley	Lisburn & Castlereagh City Council
Councillor L Poots	Lisburn & Castlereagh City Council
Councillor R Wilson	Mid and East Antrim Borough Council
Councillor W Clarke	Newry, Mourne and Down District Council
Councillor G Craig	Newry, Mourne and Down District Council

**Officers Present:**

J Quinn	arc21
G Craig ( <i>Secretary</i> )	arc21
H Campbell	arc21
K Boal	arc21
J Green	arc21
R Burnett	arc21
M Laverty	Antrim and Newtownabbey Borough Council
B Murray	Belfast City Council
H Moore	Lisburn & Castlereagh City Council
P Thompson	Mid and East Antrim Borough Council
R Moore	Newry, Mourne and Down District Council

**Officers' Apologies:**

G Girvan	Antrim and Newtownabbey Borough Council
D Lindsay	Ards and North Down Borough Council
N Grimshaw	Belfast City Council
C Campbell	Belfast City Council

The Chair advised the Committee of two new representatives from Antrim and Newtownabbey Borough Council, Councillors John Blair and Stephen Ross who replaced Alderman Mervyn Rea and Councillor Brian Duffin. He noted however that Councillor Blair had since become an MLA and would therefore be replaced with a new representative, the details of which was yet to be advised.

The Chair also congratulated Councillor Dermot Curran on his new appointment as President of NILGA.

**Item 1 - Conflicts of Interest Statement**

The Chair read out the Conflicts of Interest Statement. There were no conflicts noted.

**Action: Noted**

**Item 2 - Apologies**

Apologies were noted.

**Action: Noted**

**Item 3 - Minutes**

The minutes of Joint Committee meeting 031 held on 31 May 2018 were agreed.

**Action: Agreed**

**Item 4 - Matters Arising from the Minutes**

All matters arising were discussed under agenda items.

**Action: Noted**

The Chair advised Members that the meeting would now go In Committee, which was proposed and seconded accordingly.

**In Committee**

The Chair read out section 4.15 of the Councillors' Code of Conduct.

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 five matters discussed as follows:

<b>Item 5 - In Committee Minutes of Meeting No. 031 held 31 May18</b>	<b>Action: Agreed</b>
<b>Item 6 - Matters arising from the Minutes</b>	<b>Action: Noted</b>
<b>Item 7 - Residual Waste Treatment Project</b>	<b>Action: Noted</b>
<b>Item 8 - Procurement and Contract Legal Services Contract</b>	<b>Action: Agreed</b>
<b>Item 8.2 - Bring Sites Mixed Paper Contract</b>	<b>Action: Agreed</b>

### **Out of Committee**

The Chair advised Members that the meeting would now return to the main agenda, which was further proposed and seconded.

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

Ms Boal and 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 key discussions is replicated as follows:

- *Increased volumes of organic waste were received for processing in May 2018. Over 2,100 tonnes more material was delivered than in the last highest month, which occurred in June 2017.*
- *Vigilance requested due to recent spate of small fires at waste facilities.*

Following discussion, the Joint Committee agreed to note the report.

**Action: Noted**

### **Item 10 - 2017/18 Waste Statistics**

Mr Burnett presented a report to report on the indicative position in respect of key waste statistics covering the 2017/18 year which included the following:

1. Annual Waste Arisings (Municipal and Household);
2. Annual Household Waste per Household;
3. Annual Recycling Rates Municipal and Household);
4. Annual Waste to Landfill Municipal and Household);
5. NILAS; and
6. Summary.

Following discussion, the Joint Committee agreed to note the report.

**Action: Noted**



### **Item 11 - arc21 Customer Survey 2017/18**

Mr Burnett presented a report to advise the Joint Committee on the results of the annual arc21 Customer Survey.

He reported that all members of the Joint Committee and Steering Group Officers were invited to participate in the survey. The survey was conducted using a propriety web based system with the answers being anonymous.

The survey format consisted of ten multi-choice questions covering a number of aspects relating to the services provided by arc21. There was also the provision for participants to offer comments after each question.

Mr Burnett thanked the Officers and Members who duly responded and participated in the survey.

Following discussion, the Joint Committee agreed to note the report.

**Action: Noted**

### **Item 12 - Recruitment of Chief Executive Position**

Mr Craig presented a report to the Joint Committee in respect of the proposed recruitment process for the new Chief Executive of arc21, including short-term interim arrangements necessary to ensure business continuity, for approval.

He reported that at the Joint Committee meeting held on 31 May 2018, the Chair informed Members that he had received notice that the Chief Executive, Mr John Quinn, intended to retire on 31 August 2018 and that arrangements now needed to be made for the recruitment of a new Chief Executive.

Mr Craig set out the proposed process for both recruiting a permanent Chief Executive and also a temporary Chief Executive. He explained that, in terms of the temporary position, through the normal practice of acting up arrangements the functions of the Chief Executive would be reallocated, as additional duties, to the current two Directors who formally report to, and deputise, for the Chief Executive. He also explained that this process would result in the current decision making structure being retained through one of the two current Directors being nominated as Acting Chief Executive.

Mr Craig set out four recommendations in his report, replicated below, to enable the process to get underway as quickly as possible.

- Authorises the Chair to commence the process for the recruitment of a new Chief Executive;
- Authorises the Chair to seek a proposal from the Local Government Staff Commission, for Members consideration and approval, in relation to the undertaking of the recruitment process for the permanent position;

- Authorises the Chair to put in place temporary acting up arrangements for the continuity of the business of the Joint Committee during the time when the permanent Chief Executive position remains vacant; and
- The Joint Committee formally reviews and reassesses the position after six months in the event that the new Chief Executive post has not been filled.

Following discussion it was agreed to approve the recommendations.

**Action: The Chair**

The Chair also informed Members that this meeting would be the last that Mr Quinn would attend. He explained that with holiday commitments and annual leave to use up Mr Quinn would not be able to attend the July and August formal meetings but was pleased to confirm that Mr Quinn was able to come back in August for a final farewell.

### **Item 13 - arc21 Corporate Plan 2018-20**

Mr Craig presented the Joint Committee with the Draft Corporate Plan for the two years to March 2020 for consideration and approval.

He reported that given the fact that the outcome of the negotiations on the exit from the EU by the United Kingdom and its implications for the Joint Committee remain unknown, the focus of the Corporate Plan is very much business as usual for the next two years.

He explained that, at the same time, a flexible approach would be adopted, and is built in to the Plan, to enable arc21 to take into account any issues that may emerge from the Brexit talks and consider any implications for the strategic plans of the Joint Committee.

The Joint Committee was asked to consider and approve the Draft Corporate Plan for the two-year period to March 2020.

Following discussion the Joint Committee agreed to approve the Plan.

**Action: Agreed**

### **Item 14 - AOB**

Councillor Gibson advised the Committee of the recent passing of Councillor John Shields who had been a former Member of the Joint Committee, representing Ards Borough Council previously, and condolences were noted by all present.

**Action: Noted**

### **Item 15 - Next Meeting**

The Chair advised that the next scheduled meeting of the Joint Committee was due to be held on Thursday 26 July 2018 at 10.30am and hosted by Mid and East Antrim Borough Council.

**Action: Noted**

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

**Chairman:** \_\_\_\_\_



**JOINT COMMITTEE**  
**27 September 2018**

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**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 033 held on 30 August 2018****For approval**

The Joint Committee's approval is sought for the minutes of the meeting held on 30 August 2018.

**Item 4 - Matters Arising****'IN COMMITTEE' ITEMS - COMMERCIALY CONFIDENTIAL****Item 5 - Minutes of Joint Committee Meeting 033 held on 30 August 2018 held 'in committee'****For approval**

The Joint Committee's approval is sought for the minutes of the meeting held on 30 August 2018 'in committee'.

**Item 6 - Matters Arising****Item 7 - Residual Waste Treatment Project****For noting**

**Planning Application** - the Department for Infrastructure has advised that they are awaiting a new 'decision maker' to arrive to consider afresh arriving at a determination on the planning application for developing waste treatment infrastructure at Hightown Quarry. The DfI have not indicated to date any intention to actively participate in the proceedings in the UK Supreme Court pursuant to the referral of the Attorney General who is seeking guidance on five points of law grounded in the devolution settlement for Northern Ireland.





**JOINT COMMITTEE**  
**27 September 2018**

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These questions will test similar arguments that were deployed in the Northern Ireland courts in the 'Buick' case. In a separate development there were two announcements by the Secretary of State for Northern Ireland in week commencing 3 September 2018 indicating that, in the absence of the Northern Ireland Executive Committee and Assembly reforming, some primary legislation will be enacted in Parliament in Westminster in October.

This legislation has been portrayed as intending to address decision making processes by NI Government Departments across a range of activities covered by statute law, including planning. Whether the Attorney General's reference to the Supreme Court and the legislation proposed to be enacted in Westminster could interact in any way is unclear at this time.

**Grid Connection** - A further extension of time for NIE Networks to provide a connection offer is being sought from the Utility Regulator to complete the technical studies.

The Joint Committee is asked to note the report.

### **OUT OF COMMITTEE & RETURN TO MAIN AGENDA**

#### **Item 8 - Contracts and Performance Update**

##### **For noting**

NWP have advised arc21 of changes to the company ownership, further information is being sought.

Organic waste tonnages increased following the fall in tonnages delivered during June and July and were similar to the levels collected in August 2017.

Site visit by Officers to Cherry Polymers facility successfully carried out.

Textile bank tonnages remain high in August 2018.

The Joint Committee is asked to note the report.





**JOINT COMMITTEE**  
**27 September 2018**

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**Item 9 - Audit Committee Update****For noting**

**The Joint Committee is updated on the recent activities of the Audit Committee, as follows:**

**Annual Report for the year to March 2018** - To improve the effectiveness of the Audit Committee it was recommended an annual report be prepared which sets out the key issues dealt with by the Committee over the financial year.

**Executive Summary** - The Joint Committee is presented with a summary of the issues that are to be dealt with at the meeting held on 20 September 2018.

**Report To Those Charged With Governance (RTTCWG)** - Following the completion of the fieldwork on the audit of the accounts of the Joint Committee for the year to March 2018, the RTTCWG sets out the operational issues which the organisation needs to address. This year the Local Government Auditor pointed out that some Members Declarations of Interest forms had not been submitted at the time the accounts were closed.

**Draft Data Matching Code of Practice** - The proposed response to the consultation exercise initiated by the NIAO has been submitted to the Audit Committee for consideration and will be further considered by the Joint Committee prior to the deadline for response which is 1 October 2018.

The Joint Committee is asked to note the report.

**Next Meeting: Thursday 25 October 2018 to be hosted by Ards and North Down Borough Council**

**ARC21 JOINT COMMITTEE****Meeting No 033****Hosted by arc21****MINUTES****Thursday 30 August 2018****Members Present:**

Councillor M Magill  
 Alderman A Carson  
 Councillor A Cathcart  
 Alderman J Tinsley  
 Councillor B Adger  
 Councillor D O'Loan (*Chair*)  
 Councillor R Wilson  
 Councillor G Craig

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

**Members' Apologies:**

Councillor S Ross  
 Councillor N Kelly  
 Alderman R Gibson (*Deputy Chair*)  
 Councillor G Milne  
 Councillor M Collins  
 Councillor J Bunting  
 Councillor L Poots  
 Councillor O Gawith  
 Councillor W Clarke  
 Councillor D Curran

Antrim and Newtownabbey Borough Council  
 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  
 Newry, Mourne and Down District Council  
 Newry, Mourne and Down District Council

**Officers Present:**

G Craig (*Secretary*)  
 H Campbell  
 K Boal  
 J Green  
 R Burnett  
 M Laverty  
 D Lindsay  
 B Murray  
 H Moore  
 P Thompson  
 R Moore

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



**Officers' Apologies:**

J Quinn	arc21
G Girvan	Antrim and Newtownabbey Borough Council
N Grimshaw	Belfast City Council
C Campbell	Belfast City Council

Steve Traynor, Stahrs Ltd, in attendance for Item 3 only.

The Chair advised Members that Councillor Neil Kelly had replaced Councillor John Blair as the new Antrim and Newtownabbey Borough Council Joint Committee representative and welcomed him in his absence.

The Chair also welcomed Mr Traynor to the meeting and advised Members that he would be presenting Item 3 on the agenda in relation to the Senior Management Interim Arrangements.

**Item 1 - Conflicts of Interest Statement**

The Chair read out the Conflicts of Interest Statement. There were no conflicts noted.

**Action: Noted**

**Item 2 - Apologies**

Apologies were noted.

**Action: Noted**

The Chair advised Members that the meeting would now go In Committee, which was proposed and seconded accordingly.

**In Committee**

The Chair read out section 4.15 of the Councillors' Code of Conduct.

**Officers left the meeting.**

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 was one matter discussed as follows:

**Item 3 - Senior Management Interim Arrangements**

**Action: Agreed**

**Officers returned to the meeting.**

**Out of Committee**

The Chair advised Members that the meeting would now return to the main agenda, which was further proposed and seconded.

**Item 4 - Minutes**

The minutes of Joint Committee meeting 032 held on 28 June 2018 were agreed.

**Action: Agreed**

**Item 5 - Matters Arising from the Minutes**

All matters arising were discussed under agenda items.

**Action: Noted**

The Chair advised Members that the meeting would now go back In Committee, which was proposed and seconded accordingly.

**In Committee**

Matters of a confidential and commercially sensitive nature were discussed under these agenda items 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 five matters discussed as follows:

<b>Item 6 - In Committee Minutes of Meeting No. 032 held 28 June 18</b>	<b>Action: Agreed</b>
<b>Item 7 - Matters arising from the Minutes</b>	<b>Action: Noted</b>
<b>Item 8 - Residual Waste Treatment Project</b>	<b>Action: Agreed</b>
<b>Item 9 - Organic Waste Treatment Contract</b>	<b>Action: Agreed</b>
<b>Item 9a - Legal Services Contract</b>	<b>Action: Agreed</b>

**Out of Committee**

The Chair advised Members that the meeting would now return to the main agenda, which was further proposed and seconded.

**Item 10 - Contracts and Performance Update**

Mr Burnett, Ms Boal and Ms Robinson 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 key discussions is replicated as follows:

- *Sustained dry spell has caused a reduction in arc21 Organics tonnages in comparison to the same period in 2017.*
- *One incident of a rejected load in July 2018 delivered into Organics delivery site.*
- *Incident at Antrim Transfer Station leading to significant damage to party wall.*
- *Contract high tonnage for Textiles in July 2018.*
- *Approval sought for main elements for a new Recovery/Disposal Residual Waste Contract.*
- *Contract for the collection and treatment of WEEE Display Units entered into.*

Arising out of discussion in relation to the Organics Contract tonnages it was requested that further information be brought back regarding the potential amounts of food waste that are still being presented in the residual bins.

**Action: Ms Boal**

#### Recovery/Disposal of Residual Waste

Mr Burnett reported that a number of Councils had individual short-term contracts for the treatment of residual waste which does not rely solely on landfill and, following consultation, it was considered desirable to procure appropriate arrangements through arc21 for this service.

Accordingly, Mr Burnett recommended that the main elements of a new specification be approved by the Joint Committee as follows:

- (a) *Service contract(s) with payment on a gate fee per tonne basis for feedstock material;*
- (b) *Feedstock material shall be from any one or combination of the following residual waste streams:*
  - (1) *Household waste Recycling Centres/ Civic Amenity Sites;*
  - (2) *Bulky Waste Collections;*
  - (3) *Fly tipped materials;*
  - (4) *Kerbside household waste collections;*
  - (5) *Commercial waste collections;*
  - (6) *Other relevant sources not including any of the above and specified by a participating council;*
- (c) *Arrangements shall be flexible to facilitate participation by any Council;*
- (d) *Arrangements shall be sufficiently flexible to facilitate varying aspects pertaining to participating Councils;*
- (e) *Arrangements shall be valid and open for a period not exceeding 5(five) years;*
- (f) *Contract conditions shall include that pertaining to strategic resource management performance e.g. minimum landfill diversion rate;*
- (e) *Default Schedule of Penalties applied for non-performance; and*



- (f) *Evaluation shall be on the basis of the most economically advantageous tender entailing appropriate qualification thresholds, quality and cost.*

Following discussion the Joint Committee agreed to approve the recommendation and note the rest of the report.

**Action: Agreed**

#### **Item 11 – Revenue Estimates**

Mr Craig presented the Joint Committee with the proposed Revenue Estimates of arc21, for approval, for the three-year period from 2019/20 to 2021/22, in order that Participant Councils can make appropriate budgetary provision within their own individual financial plans.

He advised that taking into account the current rate of inflation, the pay award agreement, which expires in March 2020, and high level guidance from Constituent Councils, the estimated expenditure of the Joint Committee represents an increase of around 1% year on year.

Following discussion the Joint Committee agreed to approve the Revenue Estimates.

**Action: Agreed**

The Chair commended arc21 on achieving an increase of only 1% especially in the current environment.

**Action: Noted**

#### **Item 12 - Consultation on Environmental Principles and Accountability for the Environment**

Mr Burnett presented a report to advise the Joint Committee on the consultation paper issued by DEFRA seeking views on the use of environmental principles and accountability for the environment in England following the UK's exit from the EU.

He reported that a response had been submitted by the deadline of 2 August and a copy was presented to Members for noting.

Following discussion the Joint Committee agreed to note the response.

**Action: Noted**

#### **Item 13 - NILAS 2017/18**

Mr Burnett presented a report to advise the Joint Committee on the position with respect to NILAS for the 2017/18 year.

He reported that all arc21 Councils had met their target for this year and there is no requirement to initiate the Transfer protocol.

Following discussion the Joint Committee agreed to note the report.

**Action: Noted**

**Item 14 - AOB**

arc21 website - Mr Burnett informed the meeting that work was in progress in relation to revamping the arc21 website and it is hoped that it will go live by the end of October and Members notified accordingly.

Chief Executive's Retirement - Mr Craig informed the Committee of the arrangements following the meeting for Mr Quinn's retirement presentation.

Councillor Craig offered his congratulations to both Mr Burnett and Mr Craig on their new positions as Acting Chief Executive and Acting Deputy Chief Executive respectively and wished them well with the undertaking of their new shared responsibilities.

**Action: Noted**

**Item 15 - Next Meeting**

The Chair advised that the next scheduled meeting of the Joint Committee was due to be held on Thursday 27 September 2018 at 10.30am and hosted by Antrim and Newtownabbey Borough Council.

**Action: Noted**

Date: 27.09.2018

Chairman: D. O'Leary



HISTORICACTION SHEET – REGULATORY AND TECHNICAL SERVICES COMMITTEE MEETING17 October 2018

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
		<b>RTS MEETING – 18 MAY 2016</b>			
<b>RTS/78/2016</b>	<b>Council Public Amenity Space near the Council public toilets at Castlewellan</b>		<b>K Scullion</b>	It was further agreed that the suggestion of providing dancing fountains in Castlewellan Square would be investigated.	<b>N</b>
<b>RTS/87/2016</b>	<b>Tender for final capping at Drumanakelly Landfill Site</b>	<b>Agreed to tender for the final capping at Drumanakelly Landfill Site</b>	<b>J Parkes/L Dinsmore</b>	Stage 5 Capping works are progressed with Capping presently approximately 100% complete.	<b>Y</b>



17 October 2018

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
		<b>RTS MEETING – 9 DECEMBER 2015</b>			
<b>RTS/142/2015</b>	<b>Old Furniture at Council Recycling Sites</b>	<b>Council adopt a policy that people leaving old furniture at Council amenity sites be given the opportunity to donate it to charity and that expressions of interest be sought from charitable organisations to collect this furniture for upgrading and re-use.</b>	<b>J Parkes/L Dinsmore</b>	Expressions of Interest Document has been completed but is currently held pending consideration of other issues relating to operation of Civic Sites. It is anticipated that report will be transferred to a later meeting of RTS. Position remains as previous, with intent that this matter will be progressed by June 2018.	<b>N</b>