



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

15 April 2019

Dear Councillor

You are invited to attend a meeting of the Council to be held in The Chamber, Dungannon at Mid Ulster District Council, Council Offices, Circular Road, DUNGANNON, BT71 6DT on Monday, 15 April 2019 at 19:00 to transact the business noted below.

Yours faithfully

Anthony Tohill
Chief Executive

AGENDA

OPEN BUSINESS

1. Apologies
2. Declarations of Interest
3. Chair's Business

Matters for Decision

- | | |
|---|---------|
| 4. Council minutes of meeting held on 28 March 2019 | 3 - 14 |
| 5. Environment Committee minutes of meeting held on 1 April 2019 | 15 - 26 |
| 6. Planning Committee minutes of meeting held on 2 April 2019 | 27 - 48 |
| 7. Development Committee minutes of meeting held on 3 April 2019 | 49 - 56 |
| 8. Policy and Resources Committee minutes of meeting held on 4 April 2019 | 57 - 62 |
| 9. Requests for Civic Recognition | 63 - 66 |
| 10. Delegated Authority to Chief Executive on Matters - Period of Local Election 2019 | 67 - 70 |

Matters for Information

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| 11 Correspondence Report | 71 - 82 |
| 12 Consultations notified to Mid Ulster District Council | 83 - 86 |

Items restricted in accordance with Section 42, Part 1 of Schedule 6 of the Local Government Act (NI) 2014. The public will be asked to withdraw from the meeting at this point.

Matters for Decision

13. Council Confidential minutes of meeting held on 28 March 2019
14. Environment Committee Confidential minutes of meeting held on 1 April 2019
15. Planning Committee Confidential minutes of meeting held on 2 April 2019
16. Development Committee Confidential minutes of meeting held on 3 April 2019
17. Policy & Resources Committee Confidential minutes of meeting held on 4 April 2019
18. Update in relation to Implementation of new Financial Management Information System
19. Update in Relation to Council's claim against HMRC for overdeclared output VAT (Leisure & Recreational Services)

Matters for Information

Minutes of Meeting of Mid Ulster District Council held on Thursday 28 March 2019 in the Council Offices, Circular Road, Dungannon

Chair Councillor S McPeake

Members Present Councillors Ashton, Buchanan, Burton, Clarke, Colvin, Cuddy, Cuthbertson, Doris, Elattar, Gildernew, Gillespie, Glasgow, Kearney, McEldowney, McFlynn, B McGuigan, S McGuigan, McKinney, McLean, McNamee, D McPeake, Mallaghan, Milne, Molloy, Monteith, Mullen, Mulligan, O'Neill, M Quinn, Robinson, G Shiels, Totten and Wilson

Officers in Attendance Mr A Tohill, Chief Executive
Ms Canavan, Director of Organisational Development
Mr Cassells, Director of Environment & Property
Mr Kelso, Director of Public Health & Infrastructure
Ms Mezza, Head of Marketing & Communications
Mr JJ Tohill, Director of Finance
Mrs Forde, Member Support Officer

The meeting commenced at 7 pm

C058/19 Apologies

Councillors Bell, Forde, McAleer, McGinley, T Quinn and J Shiels

C059/19 Declarations of Interest

The Chair reminded Members of their responsibility with regard to declarations of interest.

C060/19 Chair's Business

The Chair, Councillor S McPeake extended sympathy to the families of Lauren Bullock, Connor Currie and Marcus Barnard, the three young people who tragically lost their lives in the incident in Cookstown. He said there were no words for what was an absolute tragedy. The Chair paid tribute to the emergency responders who had attended the scene and advised that together with the Deputy Chair and Chief Executive he had met with them and thanked them for their efforts on the evening. He also stated that there had been an interagency meeting following the event with representatives of the Health Trusts, Education Authority, Community and Voluntary sector and the PSNI which had proved very good in correlating response for counselling assistance. He further advised that the Burnavon had been made available for the PSNI to collect witness statements and that three books of condolence had been opened. He advised that Council under the remit of health and safety would carry out their own investigation.

Councillor McNamee stated as an elected representative for Cookstown he would extend his sympathies to the families of the three young people and spoke of the emotional scenes, shock, disbelief, pain and grieving that was so evident. He stated

that he hoped the families would draw hope and strength from the community support together with the support of local churches and the GAA.

Councillor Doris echoed the comments of previous speakers and stated that there were no words to express condolences and convey sympathy to the families in the face of this tragedy. She commended the positive response of the local community and hoped this continued in the dark days ahead.

Councillor Monteith stated that a lot had been said over the past two weeks but emphasised that the three young people were the best the community had to offer. He was emphatic that this should not have happened and that no community should have to bury three children on one day. He paid tribute to the friends, neighbours and community groups who opened their arms in response to the tragedy and paid tribute to the families for the dignity displayed bearing the burden of the most horrendous situation anyone could face. Councillor Monteith requested that Councillors have a role, should it be a consultative one, in the health and safety investigation. He stated there were many questions to be asked and the community needed to know exactly what Council is responsible for and what it was not responsible for. Councillor Monteith paid limited tribute to the emergency services given the serious questions to be asked regarding the response of the PSNI, the debacle of the investigation concerning the hotel proprietor and stated that it was shocking the breaking news now that the first PSNI vehicle on the scene had left. He spoke of the three families and the ongoing horror they would have to live through as facts were unfolded.

Councillor Wilson expressed deepest sympathy to the families of the three young people who simply went out to enjoy themselves. He stated that words would not express what the families together with those who witnessed the tragedy were going through.

He stated that as the PSNI were carrying out an investigation it would be wrong to comment but appealed to anyone with information to come forward. In conclusion Councillor Wilson conveyed deepest sympathies on behalf of the UUP to the families.

Councillor McLean concurred with Councillor Wilson and stated words cannot express sympathy to these families, he stated many Members were parents themselves and it would be your worst nightmare to receive such a call. He stated they could not understand their grief but conveyed that heartfelt sympathies and prayers were with them. He paid tribute to Council officers and mentioned the positive response feeding back in the way Council had stood together. He cautioned against prejudging and pre-empting outcomes especially in the midst of investigations.

Councillor M Quinn extended sympathy to the families on behalf of the SDLP. He stated it was with horror that the gravity of the situation unfolded through social media messages, he spoke of his experiences of nights out but never resulting in death. He said that this would bring about massive changes across the north as to how events are organised both ticketed and non-ticketed and concurred with Councillor Monteith that the PSNI had questions to answer. Councillor M Quinn

spoke of how proud he was of Council and the community response, mentioning theatre groups, the GAA and how counselling services had offered appointments free of charge.

The Chair, Councillor S McPeake stated that all parties concluded that this was an utter tragedy for the families and friends of the young people who had lost their lives.

Councillor Monteith reiterated his comments regarding the officers' investigation, he stated again that there are many questions and that Elected Members need to have an input.

In response the Director of Public Health and Infrastructure stated that officers are working closely with the PSNI as the lead authority of the investigation into the tragic events. He said that the investigation was very detailed, the officer team were working closely with the PSNI and that they would endeavour to keep Members informed.

Councillor Monteith requested that it be put on record that the Director's response did not answer his question.

Matters for Decision

C061/19 Receive and Consider Minutes of matters transacted in "Open Business" at the Council meeting held on Thursday 28 February 2019

Proposed by Councillor S McGuigan
Seconded by Councillor Gillespie

Resolved That the Minutes of the Meeting of the Council held on Thursday 28 February 2019 (C030/19 – C044/19 and C057/19) transacted in Open Business having been printed and circulated, subject to the foregoing, were considered and adopted.

C062/19 Receive and Consider Minutes of matters transacted in "Open Business" at the Planning Committee meeting held on Tuesday 5 March 2019

Councillor G Shiels drew attention to the Mid Ulster Local Development Plan – Draft Plan Strategy and reflected on comments made by the Planning Manager at a recent meeting and sought clarity as to the current position of the document and whether material consideration can be given to it when processing planning applications. Councillor G Shiels also stated that it had been resolved at the February Council meeting that the planning committee would discuss the possibility of having an additional consultation event in relation to the Mid Ulster Local Development Plan – Draft Plan Strategy in Moneymore and this had not been discussed.

In relation to the status of the Mid Ulster Local Development Plan – Draft Plan Strategy the Chief Executive advised that the document would remain in draft until after the external review and stated that the Planning Manager would provide

Members with an update regarding the process of Mid Ulster Local Development Plan – Draft Plan Strategy.

Councillor Mallaghan stated that he had been present at the meeting at which the Planning Manager had made reference to the Draft Plan Strategy in that Members should be mindful of the draft plan and consider how it would impact planning matters going forward.

The Chair, Councillor McPeake in response to Councillor G Shiels comment as to how anyone can put forward opinions without the proper facts stated that Planning staff are present at meetings to assist Members. He also concurred that an additional consultation event had been discussed at the Council and that if there was no valid reason why a further consultation should not take place it would be accommodated.

Councillor Wilson sought clarification as to why the matter was not discussed at the planning committee as resolved at Council in February stated that somewhere communication had fallen down.

Councillor Monteith stated that it had been raised previously as to why no one from the Planning Department attended the monthly Council meeting. He stated that it was acceptable that the Planning Manager may not always be available to attend but a representative should be there to deputise.

In response the Chair, Councillor S McPeake stated that Senior Management team would consider planning department representation at Council meetings.

Proposed by Councillor Mallaghan
Seconded by Councillor Gildernew

Resolved That the Minutes of the Meeting of the Planning Committee held on Tuesday 5 February 2019 (P027/19 – P030/19 and P038/19) transacted in “Open Business” having been printed and circulated, subject to the foregoing were considered and adopted.

C063/19 Receive and Consider Minutes of matters transacted in “Open Business” at the Policy and Resources Committee meeting held on Thursday 7 March 2019

Proposed by Councillor Molloy
Seconded by Councillor McKinney

Resolved That the Minutes of the Meeting of the Policy and Resources Committee held on Thursday 7 March 2019 (PR047/19 – PR055/19 and PR064/19) transacted in “Open Business” having been printed and circulated, subject to the foregoing were considered and adopted.

C064/19 Receive and Consider Minutes of matters transacted in “Open Business” at the Environment Committee meeting held on Tuesday 12 March 2019

Councillor Cuthbertson drew attention *E065/19 Review of Policy on Dual Language Nameplate Signage* and expressed his disappointment that some Councillors would feel in order to prevent someone making proposals that a policy would have to be changed to prevent a democratic vote and that he failed to understand how anyone could fear the process.

Councillor Cuthbertson drew attention to *E067/19 Community Events on Council land* and reiterated his comments made at the committee and stated that whilst he supported community engagement the Council in adopting the policy first was 'putting the cart before the horse' and was emphatic that communities should have been consulted first.

Councillor Cuddy stated that this had evolved through the bonfire working group and that an independent firm had been commissioned to look at the process and one of their main recommendations had been an officer to work in liaison with the community. He expressed his disappointment and stated that Members were endeavouring to build relationships and that whilst it may take time and money and it was important that community events were safe, people could not be bullied off ground they had used for years.

Councillor B McGuigan stated that as a point of clarity much good work had been done through workshops in relation to community events on Council lands. He stated that a policy had to be in place and that the action plan arising from the policy would ensure that there would be a liaison officer for the community.

Councillor Monteith drew attention to *E068/19 Licensing of Houses of Multiple Occupation – Implementation Procedures* and stated that whilst he accepted the matter had to go forward he sought clarity as to if there was points to ensure that it was working. He stated that previously administered by the NIHE the officer had been based in Portrush and this had not worked. He stated that the matter was a major issue for Dungannon and that the NIHE had admitted they were not on top of the issue. He stated that he would have concerns that Council may face a similar issue and asked if there was break points in the procedures and if it would deliver. He stated that often the systems in process were geared more to student areas and stressed that reassurance that the system was working would be required regularly.

In response the Director of Public Health and Infrastructure stated that the service level agreement had a monitoring programme and a quarterly review process and that when it commenced regular reports would be presented to the Environment Committee. The Director outlined that Belfast City Council would deliver the overall function and that Derry and Strabane Council would oversee Mid Ulster district.

Proposed by Councillor B McGuigan
Seconded by Councillor McNamee and

Resolved That the Minutes of the Meeting of the Environment Committee meeting held on Tuesday 12 March 2019 (E058/19 – E079/19 and E086/19) transacted in "Open Business" having been printed and circulated were considered and adopted.

C065/19 Receive and Consider Minutes of matters transacted in “Open Business” at the Development Committee meeting held on Thursday 14 March 2019

Councillor Burton drew attention to D051/19 Deputation Out and About Community Transport & CDM Community Transport and highlighted again the impact of funding losses on the organisations and the vital service they provide. She further stated that in the past the north of the district qualified for SIF funding whilst the south of the district didn't and asked if when lobbying this could be included for the whole of the district.

In response the Director of Business and Communities stated that Members had been unanimous in their support of the services and the impact the withdrawal of funding from central government was having. He assured Members that once the minutes were ratified community plan staff would convene a meeting with agencies invited to attend to explore the way forward and that the utmost would be done to assist both organisations.

Proposed by Councillor McNamee
Seconded by Councillor Doris

Resolved That the Minutes of the Meeting of the Development Committee meeting held on Thursday 14 March 2019 (D048/19 – D064/19 and D073/19) transacted in “Open Business” having been printed and circulated were considered and adopted.

C066/19 Conferences, Seminars and Training

The Chief Executive sought approval for the undernoted for attendance of Councillors and Council Officers as outlined in the report, the payment of attendance fees and associated costs as incurred.

(i) Member Approvals

- National Association of Councillors - Health, Wellbeing & Equality
Conference The Royal Hotel, Scarborough 5th-7th April 2019
Cost £350 plus VAT – Metropolitan, County, Unitary, Borough & District Councils plus travel, accommodation and subsistence.
- WW1 Flanders & The Somme Pilgrimage
Novotel Leper Centrum Hotel in Ypres 30 June – 4 July 2019
Cost £769 Euro plus travel and subsistence

(ii) Officer Approvals

Conference & Seminar	Date	No. of Attendees	Location	Attendance
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The Next Steps for Revitalising High Streets in the UK	8/5/19	1	London	Yes
Sharing Experience, Shaping the Future, Regeneration Conference	25/3/19	1	Lisburn	Free

Proposed by Councillor McKinney
Seconded by Councillor Gildernew

Resolved That the attendance of Members and Officers, the payment of attendance fees and associated costs as incurred be approved, as required for attendees.

C067/19 Civic Recognition Requests

The Chief executive sought approval for the previously circulated report on civic recognition requests from Members, in line with the stated council policy.

Councillor Burton advised she had submitted an email requesting civic recognition on the 26 March 2019 regarding the achievements of a Clogher Valley business and asked if it could be added to the list for consideration.

In response the Chief Executive advised that there was a Council meeting scheduled for 15 April 2019 and it could be processed and considered then.

The Chair advised an awards evening had had to be postponed and thus some of the nominations may run into the next Council term.

Proposed by Councillor Mallaghan
Seconded by Councillor Totten

Resolved That approval be given to submitted requests for civic recognition as outlined in the report.

Matters for Information

C068/19 Correspondence to Council

Members noted previously circulated report providing correspondence received for the attention of Council.

Councillor Clarke drew attention to correspondence detailed in the report from Newry, Mourne & Down DC requesting Council support.

Proposed by Councillor Clarke
Seconded by Councillor Molloy and

Resolved That Council write to the Secretary of State supporting the notice of motion moved by Newry, Mourne & Down DC opposing the granting of

consent for a Geological Disposal Facility to be located within their District, or indeed within any part of Northern Ireland or the island of Ireland.

Councillor B McGuigan drew attention to correspondence detailed in the report from Fermanagh & Omagh District Council and stated that Council should agree to their request to promote the Sperrin Rambler bus service.

Resolved That Council promotes the Sperrin Rambler Bus Service (formerly Ulsterbus 403) through its social media outlets.

C069/19 Consultations Notified to Mid Ulster District Council

Members noted previously circulated report on consultations notified to Mid Ulster District Council since the last meeting of the Council.

C070/19 Notice of Motion

The Chair, Councillor S McPeake advised the meeting that this motion should have come before the Council in February but unfortunately there had been a difficulty with the email communication.

Councillor Gildernew moving the motion stated:

“Aidan McAnespie, a young man on his way to the Gaelic grounds who was shot dead in broad daylight by a single shot fired from the sanger at the permanent vehicle checkpoint at Aughnacloy following years of systematic and documented abuse, harassment and death threats from British army personnel and RUC posted in Aughnacloy and across South Tyrone.

Immediately after the killing, Deputy Garda Commissioner Eugene Crowley was appointed by the Irish Government to compile a report, whose findings have never been published.

The report was presented to the Free State Government of the time (Charlie Haughey FF) within months of the shooting.

His investigation involved the exhumation of Aidan’s body from where it was buried in Clara graveyard in Co Monaghan whereupon the ribcage was found to be missing. Aidan had been shot in the chest.

The family have been fighting a 30 year campaign to have the findings of the Crowley Report published in full.

They also have demanded to be told who authorised the removal of Aidan’s body parts and who further authorised the disposal of the ribcage.

31 years on and Aidan’s mother and sister have both passed away fighting this injustice. Their father is now in his 80’s and desperate to learn the truth of how his young son died and why.”

Councillor Gildernew then moved the motion as undernoted,

This Council supports the family of Aidan McAnespie, shot dead by the British Army in February 1988, in establishing all the facts surrounding his death. To that end we undertake to write to the Dublin Government calling for them to release the Crowley report undertaken in the aftermath of his death

Councillor S McGugian seconded the motion and told of how as a young man he had played for Killeeshil and had been due to play a game that afternoon when the news came through what had happened. He stated the terrible incident had had a huge impact on the area and stated that the context of the motion is political but really what that they were asking was that Council write to anyone with power seeking to get the report published. He emphasised that this was at the request of the family.

Councillor Mullen stated that whilst she would support the motion for justice for the McAnespie family she felt it should be broadened out to ask for the overarching report of the HET enquiries effecting so many families including her own 44 years.

Councillor McLean advised the DUP party had discussed the motion and claimed that it was an election stunt by Sinn Féin as this Council has been in sitting for four years but the motion is brought just prior to an election. He stated that the DUP are for truth and justice for everyone and stated that Sinn Féin had never shown this to families such as that of Columba McVeigh whose parents had passed away never knowing the truth of what happened their son.

Councillor Wilson stated that they too saw this as an election stunt as the case was going through the courts. He stated it was hypocritical when people came from or fled to the Republic and asked if they would ask Dublin to reveal all they know about Enniskillen, Kingsmill and Omagh. He stated that for years isolated protestant communities had been impacted, that the UUP were for truth and justice including the families of those who had disappeared and that given the historical links between Sinn Féin and the IRA there is not much consistency. He further stated that it was hypocritical when Gerry Adams would not admit to being in the IRA and that the late Martin McGuinness would not tell the truth to the Saville enquiry.

Councillor M Quinn stated that this particular death had stood out with him as he had known friends of the family and that he would like to see the motion broadened out to include others concurring with Councillor McLean with regard to the McVeigh family. He stated that many families don't want to be the first to take a case as if it doesn't work out it leads to more hurt but stated that he could look at this motion in isolation and would support it.

Councillor Monteith stated he too would have issues around the timing of the motion and agreed with Councillor Mullen that many families had issues. He stated that this is one family request that of the McAnespie's a family who had carried themselves with dignity, he stated he had worked with Aidan's sister, Eilsih a founding member for Relatives for Justice. He said he would support other families also but that it would be churlish not to support the motion.

Councillor Mullen said that she supported the request for justice but stressed she had sat in the Chamber for five years and had not brought her situation before the Council.

Councillor Gildernew responding to comments stated that everyone's tears were the same colour and that the reason for not broadening out the motion was that it was the 30th anniversary of Aidan's death and that the Free State Government are implicated in this and they know what happened, he stated that whoever kept the rib cage of Aidan's remains his family did not get to bury his full body. In response to the comments of Councillors McLean and Wilson he stated that he would sympathise with every family who had lost loved ones.

Councillor Mullen stated that her father had been born in Dublin but she did not think this was the right environment to consider the requests.

The Chair, Councillor S McPeake called for a vote on the motion

For	21
Against	13

The Chair, Councillor S McPeake declared the motion carried.

The press and public left the meeting at 7.50pm

Items restricted in accordance with Section 42, Part 1 of Local Government (NI) Act 2014 – Confidential Business

Proposed by Councillor Colvin
Seconded by Councillor Gillespie and

Resolved That items C071/19 – C0/19 be taken as confidential business.

Matters for Decision

- (i) Council Meeting of Confidential Minutes of Meeting held on 28 February 2019
- (ii) Planning Committee Confidential Minutes of Meeting held on 5 March 2019
- (iii) Policy & Resources Committee Confidential Minutes of Meeting held on 7 March 2019
- (iv) Environment Committee Confidential Minutes of Meeting held on 12 March 2019
- (v) Development Committee Confidential Minutes of Meeting held on 14 March 2019
- (vi) Audit Committee Confidential Minutes of meeting held on 19 March 2019
- (vii) Contracts

- (viii) Document for Sealing: Lease between Mid ulster District Council and South Tyrone Empowerment Programme in relation to lands situated at Railway Park. Dungannon

C079/19 Duration of Meeting

The meeting was called for 7pm and ended at 8.10pm

Chair _____

Date _____

**Minutes of Meeting of Environment Committee of Mid Ulster District Council
held on Monday 1 April 2019 in Council Offices, Burn Road, Cookstown**

Members Present Councillor Wilson, Chair

Councillors Buchanan, Burton, Colvin, Cuthbertson,
Gillespie, Glasgow, Kearney, McGinley, B McGuigan,
McNamee, O'Neill (7.05pm), M Quinn and Totten

Officers in Attendance Mr Cassells, Director of Environment and Property
Mr Kelso, Director of Public Health and Infrastructure
Mr Lowry, Head of Technical Services
Mr McAdoo, Head of Environmental Services
Mrs McClements, Head of Environmental Health
Mr Wilkinson, Head of Building Control

The meeting commenced at 7.00 pm

E087/19 Apologies

Councillors McFlynn and S McGuigan
Mr Scullion, Head of Property Services

E059/19 Declarations of Interest

The Chair reminded Members of their responsibility with regard to declarations of interest.

E088/19 Chair's Business

In response to query relating to the maintenance of graveyards the Director of Environment and Property stated that they were progressing as previous until the agreements were all signed.

Matters for Decision

**E089/19 DfI Roads Proposals to Mid Ulster District Council – Disabled
Parking Bay at Main Street, Bellaghy**

Members considered previously circulated report which sought agreement to endorse the proposal submitted by Department for Infrastructure Roads for a disabled parking bay at Main Street, Bellaghy.

Resolved That it be recommended to Council to endorse the proposal submitted by DfI Roads for a disabled parking bay at Main Street, Bellaghy.

E090/19 DfI Roads Proposals to Mid Ulster District Council – Proposed 40MPH Speed Limit – Sandholes Road and Strifehill Road, Cookstown

Members considered previously circulated report which sought agreement in relation to proposal from Department for Infrastructure Roads with regard to proposed 40 MPH speed limit at Sandholes Road and Strifehill Road, Cookstown.

The Chair, Councillor Wilson stated that although Council and DfI Roads put the speed limits in place the PSNI need to enforce it and suggested that the PCSP perhaps monitor the speed limits.

Councillor Burton advised that currently the PCSP are using speed monitors to flag up speeds to motorists and one was in situ in Aughnacloy at present. She stated that if there is excessive speeding the PSNI follow-up with the mobile speed camera to catch motorists speeding, thus the softly, softly approach but fines will follow.

The Chair, Councillor Wilson acknowledged that the speed was being reduced from 60mph to 40mph.

Resolved That it be recommended to Council to endorse the proposal submitted by Department for Infrastructure Roads in relation to proposed 40 MPH speed limit at Sandholes Road and Strifehill Road, Cookstown.

E091/19 ECO Schools Programme Support 2019/20

Members considered previously circulated report which recommended that approval be granted to continue providing financial support to the Eco Schools Programme in NI to the amount of £1650 requested in 2019/20.

Proposed by Councillor McNamee
Seconded by Councillor Colvin and

Resolved That it be recommended to Council to approve the continuation of provision of financial support to the Eco Schools Programme in NI to the amount of £1650 requested in 2019/20.

E092/19 Dual Language Signage Request

Members considered previously circulated report which advised of requests for Dual Language Signage from residents on streets/roads in the District.

Proposed by Councillor McNamee
Seconded by Councillor M Quinn and

Resolved That it be recommended to Council to proceed to survey the streets/roads on which a request for Dual Language Signage has been received as undernoted:

- Chapel Street, Cookstown
- Glen Gardens, Maghera

2 Environment Committee (1.4.19)

- Killymoon Street, Cookstown
- Tirnaskea Road, Pomeroy
- Gortsraheen Road, Pomeroy
- Loughview Close, Stewartstown

E093/19 Dual Language Signage Survey

The Head of Building Control presented previously circulated report which advised on the results of surveys undertaken on all applicable residents on the streets/roads in response to Dual Language Signage nameplate requests.

Proposed by Councillor McNamee
Seconded by Councillor McGinley

That it be recommended to Council to agree the application of Dual Language Nameplates in Irish for the streets/roads as noted below:

- **The Paddock, Magherafelt**
- **Lester Gardens, Magherafelt**
- **Union Road, Magherafelt**
- **Bellebrook Mews, Magherafelt**

Proposed by Councillor Cuthbertson
Seconded by Councillor Buchanan

That it be recommended to Council not to agree the application of Dual Language Nameplates in Irish for the stress/roads aforementioned.

The Chair Councillor Wilson called for a vote on Councillor Cuthbertson's proposal

For	5
Against	8

The Chair, Councillor Wilson stated he was taking this as a direct negative thus Councillor McGinley's vote was carried

For	8
Against	5

Resolved That it be recommended to Council to agree the application of Dual Language Nameplates in Irish for the streets/roads as noted below:

- **The Paddock, Magherafelt**
- **Lester Gardens, Magherafelt**
- **Union Road, Magherafelt**
- **Bellebrook Mews, Magherafelt**

E091/19 Street Naming and Property Numbering

The Head of Building Control presented previously circulated report regarding the naming of new residential housing developments within Mid Ulster.

Proposed by Councillor Kearney
Seconded by Councillor B McGuigan and

Resolved That it be recommended to Council to name development
Site off Chichester Avenue, Castledawson – *Dawsons Hill*

Councillor J O'Neill entered the meeting at 7.05pm

In response to Councillor Gillespie's query it was confirmed that the name was derived from Castledawson.

Proposed by Councillor Burton
Seconded by Councillor Colvin and

Resolved That it be recommended to Council to name development
Site off Church Road, Ballygawley – Church View.

E092/19 Licensing of Houses of Multiple Occupation – Implementation Procedures

The Director of Public Health and Infrastructure presented previously circulated report regarding The Houses in Multiple Occupation (HMO) Act NI 2016 commencing on 1st April 2019. This will transfer the responsibility for the Houses in Multiple Occupation ('HMO') Registration Scheme from Northern Ireland Housing Executive to local Councils. It also creates a new licensing system which requires landlords to demonstrate that they are a fit and proper person to be a HMO landlord. The report sought consideration of the role of the Environment Committee in the decision making process relating to the licensing of HMOs and to consider proposed amendments to the Scheme of Delegation. The Director sought approval for recommendation to Council to:

To assist with the timely administration of the functions of the Houses of Multiple Occupation (HMO) Act NI 2016 the Director of Public Health and Infrastructure and or his nominee to exercise the relevant powers in a delegated manner for and on behalf of Council in relation to the issue, but not refusal, of House of Multiple Occupation Licences and excluding provisions relating to:

- applications for the grant, renewal, transfer or variation of licences where objections are received;
- applications where officers believe there may be an issue in relation to the fitness of the applicant to hold a licence;
- approving any guidance documents;
- setting of licence fees;

- revocation of licences, except where in the public interest the Director, in consultation with the Council Solicitor, considers that there are particular circumstances which make it necessary to suspend a licence immediately.

The matters relating to the excluded provisions as identified above to be both considered and determined at meetings of the Environment Committee.

Proposed by Councillor McNamee
Seconded by Councillor Glasgow and

Resolved That it be recommended to Council to approve the aforementioned recommendation.

E093/19 Standard Conditions for HMOs and the approach to managing Anti-Social Behaviour

The Head of Public Health and Infrastructure drew attention to the previously circulated report regarding the Standard Conditions and the approach to managing Anti-Social Behaviour with regards to houses of multiple occupation.

Proposed by Councillor M Quinn
Seconded by Councillor Glasgow and

Resolved That it be recommended to Council to approve

- (i) The proposed Standard Conditions as detailed at appendix one of the report; and
- (ii) The proposed approach to tackling Anti-Social Behaviour as detailed at appendix two of the report.

E094/19 Houses in Multiple Occupation (HMO) – Fees and Fixed Penalty Notices

The Head of Public Health and Infrastructure drew attention to the previously circulated report seeking agreement to the fee structure for

- HMO licence applications
- Variation of HMO licence
- Fee for copy of HMO register
- Fixed Penalty notice amount for fixed penalties notices issued in respect of Section 64-66 of the Houses in Multiple Occupation (HMO) Act NI 2016

It was noted that although the regulator set out a maximum fee of £45 in the regulations a regional fee of £37 had been agreed allowing scope for increase should there be a future deficit in income.

Proposed by Councillor Colvin
Seconded by Councillor Buchanan and

Resolved That it be recommended to Council to approve to

- (i) Set the Regional Fee of £37 per person per annum in respect of an application for a HMO licence;
- (ii) Set the additional fees for an application to vary a licence, and those for supplying a certified copies from or of the register as per table 3 & 4 detailed in the report;
- (iii) Note the information regarding the use of Fixed Penalty Notices as enforcement functions that are available to the Council under the Houses in Multiple Occupation (HMO) Act NI 2016;
- (iv) Set the regional value of any Fixed Penalty notices that may be issued as outlined in appendix 1 of the report.
- (v) Authorise the Director of Public Health and Infrastructure to exercise these functions for and on behalf of Council in accordance with designated delegated authority.

Matters for Information

E095/19 Minutes of Environment Committee held on 12 March 2019

Members noted minutes of Environment Committee held on 12 March 2019.

Councillor Cuthbertson drew attention to E069/19 The Roads Miscellaneous Provisions Act (NI) 2010 – Road Closures and stated that a constituent had approached him in relation to a previous road closure at Ballynakelly Road in Coalisland and had advised him that a steward working at the cycle race had not permitted the constituent to drive to the Bush Village and had claimed that no alternative route was offered and no diversion had been in place. Councillor Cuthbertson stated if Council was granting the permissions it must ensure that rules were adhered to.

In response the Director of Public Health and Infrastructure confirmed that the road closure process included that diversions must be appropriately sign posted.

The Head of Environmental Health advised that Council were the administrators and that it was the remit of the PSNI to enforce regulations and stated that she would contact them to establish what arrangements had been in place.

Councillor Burton drew attention to E060/19 Chair's Business and the discussion on roads policy. The Councillor advised that she had attended a meeting in Eglisli when the issue had been raised on the lack of a footpath at a business park and shop and that the situation was an accident waiting to happen highlighting one incident when two teenage girls had to jump onto the bank to avoid a lorry. Councillor Burton asked what power Council now had to address such issues and 'start the ball rolling' to get a footpath

In response the Director of Environment and Property stated that it would be an issue for Department of Infrastructure – Roads. He stated Council had the general power of competence that had been previously used in relation to roads not adopted and maintenance of same but when there was a statutory agency in charge of the function it should be their responsibility.

The Director of Environment and Property drew attention to E079/19 Administration of Street Naming and Dual Language Nameplate Policy and provided updated costings in that since the most recent quotation which was in November 2018, 102 single language signs had been erected and 123 bilingual signs of which 103 had been installed by a third party contractor at a cost of £88 per sign thus £9,0674 funded through the Culture and Arts Bilingual budget.

The Director of Environment and Property reminded Members that in January 2019 it had been agreed to submit applications to Ulster in Bloom Competition he stated that Moy and Castledawson had been included and they were now not in a position to go forward and asked members to note that applications would not be submitted for the two areas but sought permission for an application to be submitted for Swatragh. In response to Councillor Burton's question the Director advised that Caledon was included on the list of applicants.

Proposed by Councillor B McGuigan
Seconded by Councillor Glasgow and

Resolved That it be recommended to Council that Swatragh be included on the application list for Ulster in Bloom Competition entrants.

E096/19 WISH NI Ambassador Programme 2019

Members noted previously circulated report which provided an update on a successful application to become a WISHNI Ambassador.

E097/19 Operation of Prepayment System at Recycling Centres

Members noted previously circulated report which advised on the operation of the prepayment system for the acceptance of commercial waste at Cookstown, Drumcoo and Magherafelt Recycling Centres.

E098/19 Update on Recycling Centre Improvements

Members noted previously circulated report which advised on improvement works to a number of recycling centres facilities.

E099/19 Building Control Workload

Members noted previously circulated report which provided update on the workload analysis for Building Control.

E100/19 Entertainment Licensing Applications

Members noted previously circulated report which provided update on Entertainment Licensing Applications across the Mid Ulster District.

The Director of Public Health and Infrastructure recalling the tragic events at the Greenvale Hotel, Cookstown asked Members if they would be of a mind to write to the Department of Communities to express a desire to have the model terms and conditions in relation to Entertainment Licensing amended to permit Council to

subsequently amend theirs. He advised there had been an in-house review process commenced by the Department of Communities in 2015 by the then Minister Mark Durkan. The Director stated that at that time the legislation had been in place for 30 years and that Council had reflected on the document welcoming the proposals and suggesting further amendments but due to the NI Assembly collapsing nothing more had happened. He stated he had followed up with the Department who had advised that the matter was pending awaiting a Minister but stated that if Council wrote referencing the serious need it could possibly be treated as emergency legislation.

Proposed by Councillor M Quinn
Seconded by Councillor Colvin and

Resolved That it be recommended to the Council that a letter be sent to the Permanent Secretary of the Department of Communities highlighting the serious need for a review of Entertainment Licence Model Terms and Conditions

In response to Councillor McNamee's query the Director of Public Health and Infrastructure advised that a letter would be sent to the Permanent Secretary referencing the tragedy and requesting that the Department instigate the review process for amendments to the model terms and conditions. He advised it would be a trigger point to kick start the process which has been stalled for two years.

In response to Councillor Burton's query the Director of Public Health and Infrastructure advised that he did not have the Council's response to the aforementioned consultation in front of him but it could be forwarded if necessary.

E101/19 Consumption of Intoxicating Liquor in Designated Places

Members noted previously circulated report on the current byelaws relating to the consumption of intoxicating liquor in designated places.

Councillor Cuthbertson drew attention to 3.8 of the report which detailed that since April 2015 MUDC had received three reports/complaints of drinking in a public place, all of which related to the Dungannon area (Railway Park/The Lines/Irish Street) and acknowledged there was many more incidents than what was being reported. He stated that he appreciated the level of work staff had carried out to bring the report to the meeting and as part of the way forward stated he would like to see the designated places list amended to include all of the Council's properties.

The Chair Councillor Wilson stated that the PSNI had to deliver the scheme.

Councillor Cuthbertson stated that Council was responsible for the byelaw.

The Chair, Councillor Wilson acknowledged this but stressed that the PSNI had to produce the evidence.

In response to Councillor Cuthbertson asking if Council employed park wardens ever referred any complaints the Head of Environmental Health reiterated that only three complaints had been received since 2015 in relation to drinking in parks.

Councillor Cuthbertson stated that there would appear to be a neglect on some staff as there were lots of issues and stated he had asked designated officers were they aware of reports coming to them. He reiterated that staff were neglecting duties if they see a child or vulnerable person in the park or drink being consumed not reporting it.

In response the Head of Environmental Health stated that the PSNI have to bring forward the information and the Council administer the byelaws. She further advised that Council staff do not have the powers to ask people their names and addresses.

The Chair, Councillor Wilson acknowledged the work to date and stated there were a lot areas not included but that was just one of the issues and suggested that the matter could be referred to PCSP as Council were limited in what they could do.

Councillor Cuthbertson asked if for example the Hill of The O'Neill and the Earls Pathway could be included in the designated places.

In response the Head of Environmental Health stated that the byelaws were detailed in the report and stressed they provided a broad guideline and drew Members attention to the fact that the Department of Environment guidance only provided an overview of drafting considerations to enable a broad consistency of approach across councils. The guidance states that byelaws should only be used where a more specific power does not apply and where an existing, genuine and specific local problem exists.

Members also noted detail at 4.1 of the report *that consideration should be given to the PSNI powers that exist to deal with anti-social behaviours in this type of situation and also specific problem areas may wish to be considered rather than a blanket approach. Consideration needs to be given to the effectiveness of the current Byelaws in place and the number of PSNI referrals/complaints received.*

The Head of Environmental Health stated that there had to be complaints for the byelaws to be applied and that reports were not being received.

The Director of Public Health and Infrastructure stated that the area surrounding the reservoir at Castlehill was included in the list of designated places.

In response Councillor Cuthbertson stated that at the time the area was incorporated in the list it had not been owned by Council. He stated that he had an email from a Chief Inspector in the PSNI stating that the area at Hill of The O'Neill was not included. He also stated that Council staff were bound to see what was going on and the matter could be like dog fowling it will end up back at Council doorstep.

Councillor McGinley stated he was not 100% sure that amending byelaws would bring the changes required. He stated that it could be approached in two ways (i) the PSNI to do what is within their remit; and (ii) PCSP fund youth workers to engage with young people.

Councillor Kearney reflected on the list of designated places for the Magherafelt area and stated that some of the schools listed had now closed, there was new housing developments and really the area had changed.

The Head of Environmental Health stated that the lists were from the legacy Councils and agreed that there are many aspects of change but reiterated to bring about changes there has to be specific complaints.

The Director of Public Health and Infrastructure stated that if there is a desire to move forward the regulatory teams could have a workshop with Members to build up a picture of the issues, new areas and to determine a process of refinement.

The Head of Environmental Health stated that as with any review a significant consultation process has to take place and there were a significant steps to follow to bring about changes and an extensive framework to go through.

The Director of Public Health and Infrastructure advised the legislative process required any changes after consultation to be brought back to committee and then publicised before being referred to the Department of Communities for ratification .

Councillor Colvin stated that the aforementioned suggestion may refresh the process but concurred with Councillor McGinley that there were other ways to engage.

Proposed by Councillor Cuthbertson
Seconded by Councillor Buchanan

To initiate the process to incorporate all of Council estate in the list of Designated Places with regard to Byelaws on Consumption of Intoxicating Liquor.

In response to Councillor McGinley's question as to what officers thought, the Head of Environmental Health stated officers could review the process but it was a matter for the committee to decide a way forward, she advised there would be a cost and timeframe to the process and provision should be given for example if there was a wedding at the Hill of The O'Neill and there was alcohol served outside, or if people were caravanning at Dungannon Park and having a barbeque with a glass of wine. Ultimately however she reiterated it was for the committee to decide.

Councillor McGinley stated that officers could foresee challenges and sought a middle ground to progress as he was getting a sense there was opposition.

The Director of Public Health and Infrastructure stated that it was a reasonably straightforward process, however an officer resource would be required to move it forward. He indicated from discussions there appeared to be a desire to take on board new council public areas and look at other public spaces as well. He cautioned however if you added all new housing developments , the designation could impact on people perhaps carrying a tin of lager from their garden onto the public path and thus public consultation was needed.

Councillor Glasgow stated that he would have concerns that by tightening up byelaws you could actually make things worse and asked if it would be more beneficial to drive forward through PCSP and anti-social behaviours laws. He suggested bringing problematic areas to their attention and in turn getting the PSNI to address the issues as opposed to a blanket ban.

Councillor McGinley concurred and stated an options paper brought back to committee may be a way forward.

Councillor Cuthbertson stated that this was like a scare story and indicated within the byelaws there was exceptions reading that at 3 (i) (b) of Dungannon & South Tyrone Byelaw it was stated that *“in any park controlled by the Council in circumstances where the consumption of intoxicating liquor is otherwise permitted by the Council under its bye-laws for the regulation of parks.”*

Proposed by Councillor McGinley
Seconded by Councillor Colvin

That it be recommended to Council that officers bring forward an options paper to committee on the matters aforementioned.

The Chair, Councillor Wilson called for a vote on Councillor Cuthbertson’s proposal

For	3
Against	10

The Chair, Councillor Wilson called for a vote on Councillor McGinley’s proposal

For	10
Against	3

Resolved That it be recommended to Council that officers bring forward an options paper to committee on the matters aforementioned.

Local Government (NI) Act 2014 - Confidential Business

Proposed by Councillor Colvin
Seconded by Councillor B McGuigan and

Resolved In accordance with Section 42, Part 1 of Schedule 6 of the Local Government Act (NI) 2014 that Members of the public be asked to withdraw from the meeting whilst Members consider items E080/19 to E085/19.

Matters for Decision

E102/19	Tender report for collection and recycling/reprocessing of waste wood
E103/19	Waste Related Professional Services Contract Assignment

Matters for Information

E104/19	Confidential Minutes of Environment Committee held on 12 March 2019
E105/19	Capital Projects Update

E106/19 Duration of Meeting

The meeting was called for 7.00 pm and ended at 7.42pm

11 Environment Committee (1.4.19)

The Chair, Councillor Wilson thanked Members for their assistance in progressing the business through his short time as Chair of the Committee and extended best wishes to Members in the forthcoming elections.

CHAIR _____

DATE _____

Minutes of Meeting of Planning Committee of Mid Ulster District Council held on Tuesday 2 April 2019 in Council Offices, Ballyronan Road, Magherafelt

Members Present	Councillor Mallaghan, Chair Councillors Bell, Clarke (7.14 pm), Colvin, Cuthbertson, Gildernew, Glasgow, Kearney, McAleer, McEldowney, McKinney, D McPeake, S McPeake, Mullen, Robinson
Officers in Attendance	Dr Boomer, Planning Manager Mr Bowman, Head of Development Management Ms Doyle, Senior Planning Officer Ms McCullagh, Senior Planning Officer Ms McKearney, Senior Planning Officer Mr Marrion, Senior Planning Officer Ms McNally, Council Solicitor Miss Thompson, Democratic Services Officer
Others in Attendance	Councillor G Shiels
	Applicant Speakers
	LA09/2018/1609/F Mr Small
	LA09/2019/0094/O Mr Cassidy
	LA09/2016/0848/O Mr Cassidy
	LA09/2018/1293/O Mr Cassidy

The meeting commenced at 7.06 pm

P039/19 Apologies

None.

P040/19 Declarations of Interest

The Chair reminded members of their responsibility with regard to declarations of interest.

Councillor McAleer declared an interest in planning application LA09/2018/0209/O and requested to speak on same.

Councillor Glasgow stated he had received an email in relation to planning application LA09/2018/0868/F (Agenda Item 4.10) but had not responded to the email.

The Chair, Councillor Mallaghan also declared an interest in planning application LA09/2018/0868/F.

In response to Councillor Glasgow's comments, the Member was advised it was not necessary to declare an interest in planning application LA09/2018/0868/F.

P041/19 Chair's Business

The Chair, Councillor Mallaghan stated that this was the last Planning Committee meeting of the Council term and thanked everyone for their contribution, in particular, ex councillors Bateson and Reid who had both been members of the Planning Committee and had retired from Council recently. The Chair also extended best wishes for the future to Councillors McEldowney and J Shiels who would not be returning to Council and wished all other candidates good luck for the upcoming elections.

The Chair, Councillor Mallaghan referred to discussion at March Council meeting in relation to whether material consideration should be given to the Local Development Plan – Draft Plan Strategy when processing planning applications.

The Planning Manager advised that once the Draft Local Development Plan is published then it becomes a material consideration but that the weight attached to that consideration is dependant upon where it is in the process. Once adopted it has primacy and applications should be determined in accordance with the plan unless material considerations indicate otherwise. At the moment the Plan is in draft form and subject to consultation and therefore considerable weight cannot be attributed to it. The Planning Manager stated that officers are currently referring to the Draft Local Development Plan within their reports on planning applications and that the weight being attributed to the Plan will change as the process continues.

Councillor S McPeake stated that at the March Council meeting there had also been discussion regarding the drop in sessions for the Local Development Plan and that Moneymore should be included within the list of venues.

The Planning Manager stated that the Local Development Plan was available in the three Council Offices and that drop in sessions had been planned for outreach communities. The Planning Manager stated that it was felt that Moneymore was well placed between Cookstown and Magherafelt and therefore a drop in session had not been planned for Moneymore. The Planning Manager stated that, in order to protect Members, the consultation period had now finished prior to the upcoming elections but that if anyone wanted to speak to officers regarding the Local Development Plan they could do so.

Councillor Clarke entered the meeting at 7.14 pm.

Councillor McKinney stated that a decision had been taken at the February Council meeting that Moneymore would be added to the list of drop in venues but that this decision did not seem to have been relayed from the meeting. Councillor McKinney added that other venues on the list had been as equally close to some of the Council offices as Moneymore.

Councillor S McPeake stated he had chaired the Council meeting and that at that meeting it had been decided that an additional venue would be accommodated, providing it could be dealt with legally.

The Planning Manager stated that no public meetings had been held in relation to the Local Development Plan consultation and that it would be out of order to hold a meeting

solely in Moneymore. The Planning Manager stated that what had been held were drop in sessions for people to view and discuss the draft Local Development Plan.

Councillor McKinney stated that what was being requested was for nothing different than what had been done in the other venues.

The Chair, Councillor Mallaghan stated that the decision taken at the Council meeting was not forwarded to the planning office and that there was no time to organise any further drop in sessions before the consultation closed.

The Chair, Councillor Mallaghan proposed a review of current Planning Committee Protocol and that a workshop take place regarding same. The Chair felt that a review of protocol would help to streamline the planning applications coming before the Committee.

The Planning Manager stated that he would welcome a review of the Planning Protocol and scheme of delegation, he advised that over the first three years of the Council term the Planning department was in the top three performing Councils, last year however the department was in the bottom three for various staffing reasons. The Planning Manager advised that approximately 25% of planning applications received were going to Committee and that if that number could be reduced it would help to meet targets.

Councillor Gildernew seconded Councillor Mallaghan's proposal.

Resolved That it be recommended to Council that Planning Protocol and Scheme of Delegation be reviewed with Member workshop to be arranged on same.

The Planning Manager drew attention to paper circulated in relation to proposed windfarm at land approximately 12 km to the West of Draperstown, 2km to the north of Broughderg, adjacent to the B47 and highlighted that a pre-inquiry meeting will be held on 8 May 2019 which will outline the arrangements for the inquiry. The Planning Manager also advised that statements relating to the application should be submitted by 21 June 2019 and that the Head of Development Management and himself would work on a statement of case to put forward in that it was felt the application should be refused – In line with a previous decision of the Committee. It was advised that the inquiry will open on 4 September 2019.

Members were of the opinion that the address description of the application needed to be clarified.

The Planning Manager stated that the received application level had remained steady over the past four years and that Mid Ulster Planning Committee had transacted more business over the Council term than many of the other councils put together. The Planning Manager stated that the Committee had made some brave decisions which should be commended and that he hoped the vision would continue into the new Council term.

The Chair, Councillor Mallaghan referred to the below applications which were on the agenda for determination. The Chair sought approval to have the following applications deferred from tonight's meeting schedule for an office meeting –

Agenda Item 4.11 – LA09/2018/0925/O – Dwelling and domestic garage 50m SW of 27 Letteran Road, Moneymore for Mr Desmond Bell.

Agenda Item 4.23 – LA09/2019/0128/F – Replacement dwelling and garage adjacent to and NW of 51 Ballynahaye Road, Ballygawley, Dungannon for Mr Cathal O'Neill.

The Chair also sought approval for the following applications to be deferred to allow for further information to be submitted –

Agenda Item 4.3 – LA09/2017/1011/F – Conversion and new build to create 5 self catering units at Waterwall Bar, 187 Mayogall Road, Clady, Portglenone for Paddy Mooney.

Agenda Item 4.6 – LA09/2018/0209/O – Housing development N and adjacent to Ballygawley Playing Field with access onto Church Street, Ballygawley for Mr Winston Finlay.

Agenda Item 4.13 – LA09/2018/1209/F – Extension to existing Kindercraft business to provide storage at 23 Ballymacombs Road, Portglenone for Kindercraft.

Agenda Item 4.14 - LA09/2018/1375/F – Retention of inert material deposited on agricultural land at approx. 120m W of 23 Ballymacombs Road, Portglenone for Mr Peter Donnelly.

The Chair further advised that the following applications had been withdrawn –

Agenda Item 4.1 – LA09/2016/0193/F – Rear single storey extension to Existing B1 listed Orange Hall to accommodate community/exhibition/library/museum facilities and ancillary accommodation at 2 Stonard Street, Moneymore for the Trustees of Moneymore Orange Hall.

Agenda Item 4.2 – LA09/2016/0194/LBC – Rear single storey extension to existing B1 listed Orange Hall at 2 Stonard Street, Moneymore for the Trustees of Moneymore Orange Hall.

Proposed by Councillor Bell
Seconded by Councillor Gildernew and

Resolved That the planning applications listed above be deferred/withdrawn from tonight's list for consideration.

Matters for Decision

P042/19 Planning Applications for Determination

The Chair drew Members attention to the undernoted planning applications for determination.

LA09/2016/0193/F Rear single storey extension to existing B1 listed Orange Hall to accommodate community/exhibition/library/museum facilities and ancillary accommodation at 2 Stonard Street, Moneymore for the Trustees of Moneymore Orange Hall

Application withdrawn.

LA09/2016/0194/LBC Rear single storey extension to existing B1 listed Orange Hall at 2 Stonard Street, Moneymore for the Trustees of Moneymore Orange Hall

Application withdrawn.

LA09/2017/1011/F Conversion and new build to create 5 self catering units at Waterwall Bar, 187 Mayogall Road, Clady, Portglenone for Paddy Mooney

Application agreed to be deferred for submission of additional information earlier in meeting.

LA09/2017/1687/F Four dwellings with amended access to previously approved LA09/2016/0867/F at 60m N of 69 Lissan Road Cookstown for Oakleaf Contracts

Members considered previously circulated report on planning application LA09/2017/1687/F which had a recommendation for approval.

Proposed by Councillor Bell
Seconded by Councillor Gildernew and

Resolved That planning application LA09/2017/1687/F be approved subject to conditions as per the officer's report.

LA09/2017/1708/F Housing development of 46 houses with associated site works and foul water treatment plant to the rear and W of 33 Bush Road, Dungannon for Farasha Properties Ltd

Members considered previously circulated report on planning application LA09/2017/1708/F which had a recommendation for approval.

Proposed by Councillor Gildernew
Seconded by Councillor Colvin and

Resolved That planning application LA09/2017/1708/F be approved subject to conditions as per the officer's report.

LA09/2018/0209/O Housing development N and adjacent to Ballygawley Playing Field with access onto Church Street, Ballygawley for Mr Winston Finlay

Application agreed to be deferred for submission of additional information earlier in meeting.

LA09/2018/0440/F Redevelopment of McGaws Petrol Filling Station and service garage to provide new PFS, convenience store, separate retail unit and residential apartment on first floor; new parking area to rear with associated modifications to access arrangements and ancillary development at 8-12 Hanover Square, Coagh for Solo Direct Ltd

Members considered previously circulated report on planning application LA09/2018/0440/F which had a recommendation for approval.

Proposed by Councillor Bell
Seconded by Councillor Colvin and

Resolved That planning application LA09/2018/0440/F be approved subject to conditions as per the officer's report.

LA09/2018/0705/F Housing development of 3 detached and 8 semi-detached dwellings and associated site works at lands at 10-12 Main Street, Bellaghy for Brian Kelly

Members considered previously circulated report on planning application LA09/2018/0705/F which had a recommendation for approval.

Proposed by Councillor S McPeake
Seconded by Councillor Kearney and

Resolved That planning application LA09/2018/0705/F be approved subject to conditions as per the officer's report.

LA09/2018/0770/F Pumping station and changes to house types resulting in reduction of units from 33 approved under H/2009/0378/F, to 30 units at land 100m S of Church of Ireland, Oldtown Road, Bellaghy for Noel Kelly

Members considered previously circulated report on planning application LA09/2018/0770/F which had a recommendation for approval.

Proposed by Councillor S McPeake
Seconded by Councillor Kearney and

Resolved That planning application LA09/2018/0770/F be approved subject to conditions as per the officer's report.

The Chair, Councillor Mallaghan withdrew from discussion for the following application and the Deputy Chair, Councillor Glasgow took the Chair.

LA09/2018/0868/F New entrance and laneway (to approved dwelling LA09/2017/0497/RM) NE of 108 Loughbracken Road and adjacent to Keenaghan Road, Cookstown for Mr and Mrs P McCallion

Members considered previously circulated report on planning application LA09/2018/0868/F which had a recommendation for approval.

Proposed by Councillor McKinney
Seconded by Councillor Clarke and

Resolved That planning application LA09/2018/0868/F be approved subject to conditions as per the officer's report.

Councillor Mallaghan rejoined the meeting and retook the Chair.

LA09/2018/0925/O Dwelling and domestic garage 50m SW of 27 Letteran Road, Moneymore for Mr Desmond Bell

Application agreed to be deferred for office meeting earlier in meeting.

LA09/2018/1137/O Infill site for dwelling and domestic garage 20m SE of 2 Scribe Road, Bellaghy for David Mulholland

Members considered previously circulated report on planning application LA09/2018/1137/O which had a recommendation for approval.

Proposed by Councillor McKinney
Seconded by Councillor Bell and

Resolved That planning application LA09/2018/1137/O be approved subject to conditions as per the officer's report.

LA09/2018/1209/F Extension to existing Kindercraft business to provide storage at 23 Ballymacombs Road, Portglenone for Kindercraft

Application agreed to be deferred for submission of further information earlier in meeting.

LA09/2018/1375/F Retention of inert material deposited on agricultural land at approx. 120m W of 23 Ballymacombs Road, Portglenone for Mr Peter Donnelly

Application agreed to be deferred for submission of further information earlier in meeting.

LA09/2018/1503/LBC

Demolition of wall SE of 39 Charlemont Street, Moy for Hemel Ltd, Eurospar

Members considered previously circulated report on planning application LA09/2018/1503/LBC which had a recommendation for approval.

Mr Marrion (SPO) highlighted that an approval was subject to notification to the Department.

Proposed by Councillor Gildernew
Seconded by Councillor Robinson and

Resolved That planning application LA09/2018/1503/LBC be approved subject to conditions as per the officer's report.

LA09/2018/1603/O Infill dwelling and garage at site 60m NE of 15 Glengomna Road, Draperstown for Patrick Murray

Ms McCullagh (SPO) presented a report on planning application LA09/2018/1603/O advising that it was recommended for refusal.

Councillor Gildernew stated he did not see the difference in the application site and adjacent sites on which dwellings were sited.

The Planning Manager stated that the two adjacent sites were approved as houses on farms not as infill and that if a farm case had been submitted for this application then a dwelling in the rear portion of the field would be likely to be permissible.

In response to Councillor Mallaghan's comments the Planning Manager stated that if the two fields on either side of the site had been gardens this would have made a difference as this would have provided a road frontage.

Councillor S McPeake stated that he felt an argument could be made as there was a laneway running through and there were small pockets of lawn.

Councillor Clarke stated that one of the adjacent fields appeared to be quite small and may not qualify for single farm payment and therefore could not be classed as a field.

Councillor Bell stated he would be sympathetic to the application and did not feel it would cause any harm and may actually help visually.

Councillor Gildernew felt it was unfair to refuse the application.

The Planning Manager stated that Members should not confuse their dislike of a policy with what a policy actually says when making a determination.

Proposed by Councillor Cuthbertson
Seconded by Councillor Colvin and

Resolved That planning application LA09/2018/1603/O be refused on grounds stated in the officer's report.

LA09/2018/1609/F Farm building 100m NW of 44 Cullenramer Road, Dungannon for Mr Barry Small

Mr Marrion (SPO) presented a report on planning application LA09/2018/1609/F advising that it was recommended for refusal.

The Chair advised the committee that a request to speak on the application had been received and invited Mr Small (Applicant's father) to address the committee.

Mr Small stated that the site was outlying from the main farm and that there were no facilities at the location. Mr Small stated he needed somewhere to house the cattle at this location which would assist the efficient running of the farm and that the shed was not elaborate for need.

In response to question from the Planning Manager Mr Small advised that the shed would be built to accommodate 10-15 cattle and the Planning Manager felt this sounded proportionate.

Discussion ensued regarding the site plan displayed and the need for lanes and turning for lorries.

Mr Small stated that the site plan displayed was not related to his application.

The Planning Manager stated that this was the site plan submitted on the applicant's behalf.

Councillor McAleer stated she knew where the proposed site was and that it was two and a half miles from the main farm. Councillor McAleer stated she did not think the shed was for any other purpose only the housing of cattle.

The Planning Manager stated he had no difficulty deferring the application but that a case needed to be put forward as to why the shed was needed and why it was not located close to the main farm.

The Chair, Councillor Mallaghan proposed that the application be deferred in order to submit further information.

Councillor Gildernew seconded Councillor Mallaghan's proposal.

Councillor McKinney stated that the shed being proposed was not large and if it was any smaller it would not be of any use. Councillor McKinney proposed the approval of the application.

Councillor McAleer seconded Councillor McKinney's proposal but was advised she could not do so as she had spoken on the application.

Councillor S McPeake stated that the site plan was not alarming as it was simply showing lorries needed somewhere to turn in order to load/offload cattle or for delivery of supplies.

Councillor Gildernew stated that this was a busy road and there needed to be room off road for turning and loading of cattle.

Resolved That planning application LA09/2018/1609/F be deferred for submission of further information.

LA09/2018/1673/F Two storey dwelling and garage approx. 10m S of 1 Derryvale Park, Derryvale Road, Coalisland for Pat O'Neill

Members considered previously circulated report on planning application LA09/2018/1673/F which had a recommendation for approval.

Proposed by Councillor Gildernew
Seconded by Councillor Colvin and

Resolved That planning application LA09/2018/1673/F be approved subject to conditions as per the officer's report.

LA09/2019/0090/A Shop front sign, fuel canopy sign and totem sign 20m N of 247 Derryfubble Road, Benburb, Dungannon for Mr Brendan McAnallen

Members considered previously circulated report on planning application LA09/2019/0090/A which had a recommendation for approval.

Proposed by Councillor Gildernew
Seconded by Councillor McAleer and

Resolved That planning application LA09/2019/0090/A be approved subject to conditions as per the officer's report.

LA09/2019/0094/O Single storey dwelling house at land NE and adjacent to 162 Ballynease Road, Portglenone for Adrian McErlean

Ms McCullagh (SPO) presented a report on planning application LA09/2019/0094/O advising that it was recommended for refusal.

The Chair advised the committee that a request to speak on the application had been received and invited Mr Cassidy to address the committee.

Mr Cassidy stated that Policy CTY2a requires six points to be met in relation to a cluster, in this case the only point not being met is the site not being associated with a focal point. Mr Cassidy contended that the proposed dwelling could avail of three possible focal points – a nearby Manse, Ballynease House and Portglenone Forest and that previous planning appeals had been allowed when the only one of the six points not

being met is a focal point. Mr Cassidy stated that the proposed dwelling would not be visible and that no harm would be caused in approving the application.

In response to questions from the Planning Manager, Mr Cassidy advised that the applicant and complainant live in the current cluster and that the Church related to the nearby Manse was located further up the road.

Ms McCullagh advised that the applicants address differed from the site address and it appeared he may own property within the current cluster but did not live there.

The Planning Manager stated that the definition of a cluster within policy was key and that Members needed to look at what is providing the focal point ie. community facilities or crossroads. The Planning Manager stated that if the Church had been located more closely it could have been used. The Planning Manager stated he would have some sympathy as to what difference the proposal would make but warned once a decision was taken on that basis there would be no stopping point.

Councillor S McPeake stated that there was an existing cluster of dwellings and that the proposal could be seen as a bookend to this because of the adjacent laneway.

Councillor Bell felt that the forest could be used as focal point.

Councillor Clarke referred to previous discussion in relation to clusters and clachans and that there is a serious issue in the countryside in which people are not able to get sites approved. The Councillor stated that more appreciation should be given to the people who are from the cluster and that there should be opportunity for them to live there.

The Planning Manager stated he asked the question as to whether the applicant lived in the cluster and it appeared he does not but does own property.

Councillor Gildernew asked if policy stipulated that the person needed to live in the cluster.

The Planning Manager stated whether the person lived in the cluster was not a policy test. In relation to this application the policy test of focal point had not been met.

Councillor S McPeake asked if all six points of meeting a cluster had to be met.

The Planning Manager stated that the key point of a cluster is that it has to have identity and that there is a place in which people have a connection.

Councillor Robinson stated that the application did not meet policy and he would therefore propose the application be refused.

Councillor Glasgow seconded Councillor Robinson's proposal.

Resolved That planning application LA09/2019/0094/O be refused on grounds stated in the officer's report.

LA09/2019/0099/O Site for replacement dwelling and double domestic garage (renewal of previous LA09/2015/1115/O) at approx.. 110m SE of 58 Annaghmore Road, Castledawson for Mr John Lennox

Members considered previously circulated report on planning application LA09/2019/0099/O which had a recommendation for approval.

Proposed by Councillor McKinney
Seconded by Councillor D McPeake and

Resolved That planning application LA09/2019/0099/O be approved subject to conditions as per the officer's report.

LA09/2019/0118/F Retrospective planning for meal storage bin for agricultural purposes on an existing farmyard at 29 Crancussy Road, Cookstown for Mr Peter McNally

Members considered previously circulated report on planning application LA09/2019/0118/F which had a recommendation for approval.

The Chair, Councillor Mallaghan asked was it not permitted development to have a feed storage bin on a farm.

The Planning Manager stated that in this case it was not permitted development as the proposal needed to be nine metres away from the road and was not in this case. The Planning Manager stated there had also been objections to the application which is why the application was brought to Committee.

Proposed by Councillor Clarke
Seconded by Councillor Robinson and

Resolved That planning application LA09/2019/0118/F be approved subject to conditions as per the officer's report.

LA09/2019/0128/F Replacement dwelling and garage adjacent to and NW of 51 Ballynahaye Road, Ballygawley, Dungannon for Mr Cathal O'Neill

Application agreed to be deferred for office meeting earlier in meeting.

LA09/2019/0165/F Change of use from office and meeting place to retail space for a charity at 12 King Street, Magherafelt for Society of St Vincent De Paul

Members considered previously circulated report on planning application LA09/2019/0165/F which had a recommendation for approval.

Proposed by Councillor Bell
Seconded by Councillor Kearney and

Resolved That planning application LA09/2019/0165/F be approved subject to conditions as per the officer's report.

LA09/2016/0848/O Dwelling and garage 30m WSW of 88A Five Mile Straight, Maghera for Colm Lynn

Ms McCullagh (SPO) presented a report on planning application LA09/2016/0848/O advising that it was recommended for refusal.

The Chair, Councillor Mallaghan stated that the agent had previously spoken on this application but as the red line had changed he would permit speaking rights again and invited Mr Cassidy to address the committee.

Mr Cassidy stated that the application met with policy in relation to clustering, that there was an associated focal point of a crossroads within 100 yards, that there was a suitable degree of enclosure to the north and east of the site and that the proposal could be absorbed into the existing cluster and help to round it off. Mr Cassidy advised that part of the site would be liable to some pluvial flooding.

The Planning Manager stated that the proposal site is liable to flood in part and in order to move away from this section of the site the dwelling would have to be sited in front of an existing dwelling. The Planning Manager asked if an objection had been received from that dwelling.

Ms McCullagh advised that an objection had been received from the occupants of the neighbouring dwelling.

The Planning Manager stated he would be reluctant to accept the argument of infilling of a cluster and would put weight on the objection received from neighbour to site.

The Chair, Councillor Mallaghan stated that one of the most serious considerations related to this application was flood risk.

Proposed by Councillor Robinson
Seconded by Councillor McElDowney and

Resolved That planning application LA09/2016/0848/O be refused on grounds stated in the officer's report.

LA09/2016/1481/F Spraybooth extension at existing workshop at 138-140 Dungannon Road, Ballygawley for Barrack Hill Quarries Ltd

Members considered previously circulated report on planning application LA09/2016/1481/F which had a recommendation for approval.

Proposed by Councillor Gildernew
Seconded by Councillor Mullen and

Resolved That planning application LA09/2016/1481/F be approved subject to conditions as per the officer's report.

LA09/2017/0897/F Part use of existing farm shed to provide internal dry storage in association with the applicants established business at 100m NW of 213 Washingbay Road, Coalisland for Jim McCuskey Evergreen Peat

Mr Marrion (SPO) presented a report on planning application LA09/2017/0897/F advising that it was recommended for refusal.

The Chair, Councillor Mallaghan referred to the addendum circulated which advised of a late objection.

Mr Marrion advised that there was nothing new raised in the latest objection that hadn't already been considered in the officer report.

The Chair, Councillor Mallaghan advised that speaking rights had been requested but had already been spent in relation to this application.

In response to question from the Chair, Mr Marrion advised that the existing shed has been approved for agricultural use.

The Planning Manager stated that the shed is being used for other purposes besides agricultural and if approved this other use will continue and expand. The Planning Manager stated that the site is becoming industrial and that this type of activity should not be encouraged.

Councillor McKinney asked how far the objector was away from the lane.

Mr Marrion advised that the distance from the objectors dwelling to the laneway was 85 metres and the distance from the back door of the objectors dwelling to the shed was 137 metres.

Councillor S McPeake referred to the objections received in relation to noise and traffic and asked if there was a way of constraining vehicles movements through conditions of approval.

The Chair, Councillor Mallaghan felt that should the application be approved, current activity will expand.

The Planning Manager stated that the applicant has applied for one thing yet is using the shed for another.

Councillor Mullen referred to late objection which was circulated around Members in which it is stated that there are three businesses operating from the site.

The Planning Manager stated that there was an ongoing enforcement investigation in relation to activity at the shed.

Councillor Clarke referred to sheds behind neighbouring dwelling.

Mr Marrion advised that the person residing at this dwelling is a horticulturalist and there are a number of polytunnels behind the house.

The Planning Manager stated that there needed to be a co-ordinated approach in relation to the application and enforcement investigation and suggested that the application be deferred for further consideration.

Proposed by Councillor S McPeake
Seconded by Councillor Gildernew and

Resolved That planning application LA09/2017/0897/F be deferred for further consideration and to link with enforcement investigation.

LA09/2017/1101/O Off site replacement dwelling and domestic garage/store with the existing dwelling to be retained as ancillary use to the main home dwelling at approx. 165m SW of 73 Ballyscullion Road, Bellaghy for Mr Gavin Breslin

The Chair, Councillor Mallaghan sought approval for this application to be deferred to allow for submission of further information.

Proposed by Councillor Bell
Seconded by Councillor Kearney and

Resolved That planning application LA09/2017/1101/O be deferred for submission of additional information.

LA09/2018/0176/F Retrospective shed for the storage of boats and working of nets, to the rear of 140 Kilmascully Road, Dungannon for Mr Martin O'Neill

The Chair, Councillor Mallaghan suggested that this item be taken 'In Committee'.

Proposed by Councillor Bell
Seconded by Councillor Robinson and

Resolved That planning application LA09/2018/0176/F be considered 'In Committee'.

LA09/2018/1161/F The conversion, reuse and extension of a stone barn for use as a dwelling and garage (Amended proposal), 60m NW of 27 Drummullan Road, Coagh for Ms K McCormick

Members considered previously circulated report on planning application LA09/2018/1161/F which had a recommendation for approval.

Proposed by Councillor Bell
Seconded by Councillor D McPeake and

Resolved That planning application LA09/2018/1161/F be approved subject to conditions as per the officer's report.

LA09/2018/1293/O Dwelling and garage 40m N of 210 Shore Road, Ballymaguigan, Magherafelt for Mr Brian Doyle

Ms McCullagh (SPO) presented a report on planning application LA09/2018/1293/O advising that it was recommended for refusal.

The Chair advised the committee that a request to speak on the application had been received and invited Mr Cassidy to address the committee.

Mr Cassidy stated that the application meets policy for infill in that there are three buildings with common frontage. Mr Cassidy stated that planning officers were contending 216 Shore Road as they stated it did not have roadside frontage, Mr Cassidy however stated that there were pillars, fencing, kerbing and frontage associated with no.216 at the roadside and also referred to appeal decision in which it was stated that a property did have road frontage by way of its garden area, driveway and associated features. Mr Cassidy stated that the 3 buildings have a visual linkage over ½ mile viewpoints and that the proposal respects the surroundings and will provide much needed housing for the area.

The Planning Manager stated that the proposal appeared to be extending a ribbon of development rather than infill and that there was a build up of dwellings in the area.

Councillor Bell stated that Ballymaguigan School was only a couple of hundred yards away from the proposal site.

The Planning Manager stated that Ballymaguigan is a settlement with a settlement limit and referred to the ribboning of development to the north of the settlement limit of which this application would extend the ribbon.

Councillor S McPeake referred to the dwelling to the north of the site with the wide laneway and asked if this could be interpreted as part of infill.

The Planning Manager stated that road frontage is supposed to be considered and in this case there is a large field and that development would add to the ribbon. The Planning Manager referred to guidance in respect of infill and the importance of protecting rural character.

Councillor Bell stated that as there were a number of other dwellings already in the surrounding area this development would be in keeping with rural character.

Councillor Cuthbertson proposed the planning application be refused.

Councillor S McPeake asked if the entrance could be used as a stop end for infill.

The Planning Manager stated that those were the circumstances used by Mr Cassidy at appeal and that the appeal had been lost.

Councillor Bell asked if policy was open to interpretation.

The Planning Manager stated it was his job to advise and protect the Committee but in this instance he felt the Committee would be hard pushed to overturn the officer recommendation.

Councillor S McPeake proposed that the application be approved on the basis that it was not extending a ribbon but rather rounding off and that pillars be used as road frontage at no.216 Shore Road.

The Planning Manager stated that policy stipulates that consideration cannot be given to what is set back from the road.

Councillor Glasgow left the meeting at 9.05 pm.

The Planning Manager read from policy CTY8 and advised that –

- Planning Permission will be refused for development which creates or adds to a ribbon.
- Exceptions will be permitted for development of a small gap site up to a maximum of two dwellings within a substantial and continuously built up frontage and provided this respects the existing development pattern along the frontage in terms of size, scale, siting a plot size. The definition of substantial and built up frontage includes a line of three or more buildings along a road frontage without accompanying development to the rear.
- Many frontages in the countryside have gaps between houses or other buildings that provide relief and visual breaks in the developed appearance of the locality and that help maintain rural character. The infilling of these gaps will therefore not be permitted except where it comprises the development of a small gap within an otherwise substantial and continuously built up frontage.

The Planning Manager advised that as one of the dwellings being relied upon was located up a laneway there was not a road frontage of three buildings and that setting this aside the plot size could accommodate more than the two dwellings permitted for a small gap site.

Councillor Glasgow returned to the meeting at 9.08 pm.

Councillor Bell stated that when walking/driving along the road the dwelling located up the laneway was closer to the road than what it appears in the photograph taken.

The Chair, Councillor Mallaghan stated there were two proposals on the table and asked if there were any seconders for the proposals.

Councillor Bell seconded Councillor S McPeake's proposal to approve the application.

Councillor Robinson seconded Councillor Cuthbertson's proposal to refuse the application.

Councillor Gildernew asked for advice from Council Solicitor.

The Council Solicitor advised that the officer's report set out the reasons why the planning officer is of the view that the application is contrary to policy and should Members wish to approve the application they need to give clear reasons as to why they take a different view or why it should be treated as an exception. The Council Solicitor stated it is a matter for the Members to decide on the merits of the application before them based on sound planning reasons.

The Planning Manager stated that more reasoning was required as to why the application should be approved.

Ms McCullagh highlighted the reasons why the application was being recommended for refusal as set out in the officer report -

- The proposal is contrary to Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
- The proposal is contrary to Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal does not constitute a small gap site and would, if permitted, result in the creation of ribbon development along this stretch of the Shore Road.
- The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the building would, if permitted, result in a suburban style build-up of development when viewed with existing buildings and would, if permitted not respect the traditional pattern of settlement exhibited in that area and would, if permitted create a ribbon of development at this stretch of the Shore Road and therefore result in a detrimental change to the rural character of the countryside.
- The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed site lacks long established natural boundaries and is unable to provide a suitable degree of enclosure for a dwelling to integrate into the countryside, and therefore would not visually integrate into the surrounding landscape.

Councillor S McPeake stated that similar proposals had been approved in the past and that the entrance to the laneway can be used as a bookend for infill.

Councillor Bell stated that the site was not as long as what was being depicted in the photographs.

Members voted on Councillor S McPeake's proposal to approve the application –

For – 2

Against – 5

Members voted on Councillor Cuthbertson's proposal to refuse the application –

For – 5

Against - 0

Resolved That planning application LA09/2018/1293/O be refused on grounds stated in the officer's report.

LA09/2018/1377/F Conversion of existing building to dwelling with side extension, new lane and associated site works adjacent to 19 Killycolpy Road, Stewartstown for Mr Gary Campbell

Members considered previously circulated report on planning application LA09/2018/1377/F which had a recommendation for approval.

Proposed by Councillor McKinney
Seconded by Councillor Robinson and

Resolved That planning application LA09/2018/1377/F be approved subject to conditions as per the officer's report.

P043/19 Receive Planning Department Service Improvement Plan 2019/20

The Planning Manager presented previously circulated report which provided the Planning Department's Service Improvement Plan for 2019/20.

Councillor Clarke referred to some of development management staff moving to Dungannon and stated that this matter had never been discussed at the Planning Committee.

The Planning Manager stated that the matter was raised on a number of occasions during the first year of the Council in which there was an aspiration to have a planning presence in each of the three Council offices, it was highlighted however that there was no space in Cookstown offices and that the move to Dungannon offices was progressed.

Councillor Clarke stated that Members of the Planning Committee should have been kept up to date with what was happening.

The Planning Manager stated that discussion in relation to staffing matters and movement of staff fits into the Policy and Resources Committee.

Councillor McKinney stated that as Chair of the Policy and Resources Committee he could confirm that the matter was discussed at a meeting of that Committee.

The Planning Manager stated that a team of officers will be moving to Dungannon and that admin would continue in Magherafelt unless more resources were made available.

Councillor Clarke stated he had no issue with the move and felt it was a good thing but that Members of the Planning Committee should have been kept up to date.

Councillor Gildernew stated he had always been an advocate of having a planning presence in Dungannon and it was a shame it had not happened sooner. Councillor Gildernew stated he took Councillor Clarke's point in that the matter was not discussed at the Planning Committee but confirmed that it had been a matter for discussion at the Policy and Resources Committee.

Resolved That it be recommended to Council to agree the Service Plan for Planning Department for 2019/20.

Matters for Information

P044/19 Minutes of Planning Committee held on 5 March 2019

Members noted minutes of Planning Committee held on 5 March 2019.

Councillor Cuthbertson referred to planning application LA09/2018/0379/F which was discussed at the March Planning meeting. Councillor Cuthbertson stated that at that meeting he asked if the two houses had already been built and Mr Marrion had stated there was nothing to suggest this.

Councillor Cuthbertson stated that whilst looking through the list of enforcement cases closed for this month's meeting there had been an enforcement case in relation to unauthorised site works at the proposal site and that Members were not advised of this at the March meeting.

P045/19 Confirmation of Listing of four Telephone Boxes

Members noted previously circulated report which provided confirmation that the Department for Communities, Historic Environment Division, has formally listed four K6 type Red Telephone Boxes in the Mid Ulster District.

Local Government (NI) Act 2014 – Confidential Business

Proposed by Councillor Robinson
Seconded by Councillor McAleer and

Resolved In accordance with Section 42, Part 1 of Schedule 6 of the Local Government Act (NI) 2014 that Members of the public be asked to withdraw from the meeting whilst Members consider item P042/19 (In Committee Item) and items P046/19 to P052/19.

Matters for Decision

- P042/19 Planning Applications for Determination (In Committee Item)
- P046/19 Receive Report on LA09/2017/0867/O
- P047/19 Receive Update on Local Development Plan 2030 – Draft Plan Strategy
- P048/19 Receive Report on Proposed Building Preservation Notice on Telephone Box
- P049/19 Receive Enforcement Report

Matters for Information

P050/19 Confidential Minutes of Planning Committee held on 5 March 2019

P051/19 Enforcement Cases Opened

P052/19 Enforcement Cases Closed

P053/19 Duration of Meeting

The meeting was called for 7 pm and concluded at 10.32 pm.

Chair _____

Date _____



ADDENDUM TO PLANNING COMMITTEE AGENDA

FOR PLANNING COMMITTEE MEETING ON: 2 April 2019

ITEM	INFORMATION RECEIVED	ACTION REQUIRED
4.1	Application withdrawn	Members to note
4.2	Application withdrawn	Members to note
5.3	Late objection received	Members to note, no new issues raised
9	Copy of J.B and R.H Twigg Solicitors letter dated 28/11/2018 confirming agreement to sale / purchase of farm yard and lands	Members to note

**Minutes of Meeting of the Development Committee of Mid Ulster District Council
held on Wednesday 3 April 2019 in the Council Offices, Burn Road, Cookstown**

Members Present

Councillor McNamee, Chair

Councillors Burton, Clarke, Cuddy, Elattar, McEldowney,
Molloy, Monteith, Mulligan and G Shiels

**Officers in
Attendance**

Mrs Campbell, Director of Leisure and Outdoor Recreation
Mr McCreesh, Director of Business and Communities
Mr Browne, Head of Tourism
Mr Hill, Head of Parks
Ms Linney, Head of Community Development
Mr McCance, Head of Culture and Arts
Ms McKeown, Head of Economic Development
Mr McShane, Acting Head of Leisure
Mrs Forde, Member Support Officer

The meeting commenced at 7.00 pm.

D074/19 Apologies

Councillors Doris, Forde, Milne and J Shiels

D075/19 Declaration of Interests

The Chair reminded members of their responsibility with regard to declarations of interest.

The undernoted interests were declared in D077/19 Community Development – Grant Awards

Councillor McNamee declared an interest in

- Community Development Report Grants;*
- Cookstown Community Allotments;*
- Cookstown Father Rocks GFC; and*
- Gortalowry Park Community Group*

Councillor Elattar declared an interest in Ballinascreen Community Forum

Councillor McEldowney declared an interest in Brocagh Emmets GFC

Councillor Cuddy declared an interest in Aughintober Regeneration

Councillor Molloy declared an interest as a member of Cycling Ireland, the governing body regarding the Cycul Ltd organisers of the Lap the Lough event

Councillor G Shields declared an interest in

- *Mid Ulster Volunteer Centre*
- *The Lighthouse (Magherafelt) Ltd*

Councillor Burton declared an interest in

- *Bawn Development Association (family connections interest)*
- *Caledon Regeneration Partnership*
- *Caledon in Bloom*
- *COSTA*

D076/19 Chair's Business

None

Matters for Decision

D077/19 Community Development Report

The Head of Community Development presented previously circulated report which provided an update on the following –

- **Community Grants Awards**

Councillor Molloy commended officers on their work and welcomed the money being invested in local community group activities.

The Head of Community Development advised that she had not the exact detail of number of applications but there was over 600 grants awarded in a year.

Proposed by Councillor Molloy
Seconded by Councillor Cuddy and

Resolved That it be recommended to the Council to approve the grant award recommendations listed within Appendix 1 of the report.

- **Community Development Service Plan 2019-2020**

Proposed by Councillor Molloy
Seconded by Councillor McElowney and

Resolved That it be recommended to the Council to approve the Community Development Service Plan 2019-2020 as per Appendix 2 of report.

- **PCSP (draft) Action Plan 2019-2020**

Members noted the PCSP (draft) Action Plan 2019-2020 as per Appendix 3 of report.

Councillor Burton declared an interest in the PCSP (draft) Action Plan 2019-2020

- **Community Development Update**

Members noted the Community Development Update contained within the report.

The Head of Community Development provided an update to the Community Development Good Relations report and sought approval to seek quotes for the Traditional Music in Schools Programme at a budget of £13k. It was noted that Community Development partner with Arts & Culture Services in the delivery of this programme.

Proposed by Councillor Molloy

Seconded by Councillor Elattar and

Resolved That it be recommended to Council to proceed to seek quotes for the Traditional Music in Schools Programme at a budget of £13k.

Councillor Clarke entered the meeting at 7.05pm

The Head of Community Development advised Members that in relation to the Peace IV Connecting Pomeroy project one partner (Church of Ireland) was yet to sign the appropriate documents for inclusion and highlighted that a deadline has been set for 30 April 2019. In response to Members questions she advised that officers were endeavouring to resolve the issues the proposed partner had with the project conditions and funder stipulation and it was hoped they would come on board by the aforementioned date.

In response to Councillor Cuddy's request for an update regarding Breakthru the Head of Community Development advised that Breakthru had ceased on 31 March 2019 and that their parent group Dungannon Development Association (DDA) was currently still in existence and were tying up the ends of the project. She advised that discussions were taking place with DDA when they cease re the land/building returning Council.

The Director of Business and Communities advised that Breakthru understood that Council as a corporate body could not provide the assistance they required and were gracious in their appreciation of Council's efforts.

The Head of Community Development advised that meetings were scheduled for the incoming week with 360⁰ and the Health Trusts to ensure gaps in service would be addressed.

The Director of Business and Communities left the meeting at 7.07pm

D078/19 Economic Development Report

The Head of Economic Development presented previously circulated report which provided an update on the following –

- **DAERA Rural Micro Business Small Grants Programme**

Proposed by Councillor Molloy
Seconded by Councillor Burton and

Resolved That it be recommended to the Council that officers from Mid Ulster District Council work with the nine other Councils to compile a Business Case to submit to DAERA to secure funding for a Rural Micro Business Small Grants Programme, which if successful will provide a minimum funding allocation to each participating Council in 2019/20 of £50,000.

- **PLATO 2 Proposal (2019/20)**

Proposed by Councillor Molloy
Seconded by Councillor Cuddy and

Resolved That it be recommended to the Council to decline the proposal from the PLATO Network for 2019/20, seeking funding from the Council to deliver a PLATO 2 Programme at a cost of €20,000, due to the enhanced costs to Council and to business participants.

- **NOW Group – Mid Ulster ESF Match Funding Proposal**

Proposed by Councillor Molloy
Seconded by Councillor Clarke and

Resolved That it be recommended to the Council to decline the Mid Ulster ESF Match Funding Proposal from the NOW Group, seeking financial support from Council of £60,000, equating to £20,000 per annum for three years (2019/20, 2020/21, 2021/22).

- **ICBAN Funding Request (2019/20)**

In response to Councillor Cuddy's query as to whether Council receives a fair return from ICBAN the Head of Economic Development drew attention to appendix 3 of the Economic Development report and advised that officers were satisfied that Council received a positive return for their investment.

Proposed by Councillor Cuddy
Seconded by Councillor Molloy and

Resolved That it be recommended to the Council to approve funding to ICBAN of up to £12,500 from Council's Economic Development Budget 2019/20, to be paid in two equal instalments, subject to Council being provided with the requisite documentation (application form, confirmation of match funding, copies of accounts, insurances financial report and progress updates). Furthermore to approve the release of the first 50% payment once Council is in receipt of all documentation requested, as outlined above.

- **Invest NI – International Conference**

Members noted the progress in relation to the Invest NI International Conference being held in Cookstown on 10 and 11 June 2019.

- **Retail NI Meeting Minutes – 18.02.19**

Members noted minutes of meeting held with Retail NI on 18 February 2019.

- **Mid Ulster Brexit Working Group Minutes – 26.11.18**

Members noted minutes of meeting of Mid Ulster Brexit Working Group held on 26 November 2018.

D079/19 Walk NI Consortium 2019-20

The Head of Parks presented previously circulated report which sought approval to commit to Walking NI Marketing Consortium Campaigns for 2019-20.

Proposed by Councillor Cuddy
Seconded by Councillor Molloy and

Resolved That it be recommended to the Council to participate as a Regional Partner with the Walking NI Marketing Consortium and contribute £3,445 to the 2019-20 campaign.

D080/19 Recommendations on allocation of Schools' Sports Facilities Access Grants (Re-advertised)

The Acting Head of Leisure presented previously circulated report which advised on the re-advertised Schools' Sports Facilities Access Grants.

Proposed by Councillor Cuddy
Seconded by Councillor Elattar and

Resolved That it be recommended to the Council to approve the Schools' Sports Facilities Access Grants as set out at appendix to report.

Matters for Information

D081/19 Minutes of Development Committee held on 14 March 2019

Members noted minutes of Development Committee held on 14 March 2019.

D082/19 Corporate Events 2019

Members noted previously circulated report which outlined the programme of corporate events for 2019.

D083/19 Mid Ulster Tourism Development Group

Members noted the previously circulated report which provided minutes of Mid Ulster Tourism Development Group held on 9 January 2019.

In response to Councillor Cuddy's question the Head of Tourism advised that the minutes presented within the report were 9 January 2019 as they were agreed as an accurate record at the meeting on 12 March. He confirmed that the 12 March 2019 minutes would be presented to committee once approved at the next meeting of the Tourism Development Group.

D084/19 International Women's Day 2019

Members noted previously circulated report which highlighted activities delivered through Culture and Arts Services to mark International Women's Day 2019 on 8 March.

Councillor Burton advised that she had received feedback regarding the event which would not have been as positive as that detailed in the report and stated that going forward she would like to see more Councillor involvement in the events for International Women's Day. As Deputy Chair in 2019 she expressed her disappointment that she could not attend Council led events due to a clash of dates/timings and when she had queried this was advised they could not be changed.

In response the Director of Business and Communities advised that the Councillors comments would be considered in the planning of such future events.

Local Government (NI) Act 2014 – Confidential Business

Proposed by Councillor Burton

Seconded by Councillor Molloy and

Resolved In accordance with Section 42, Part 1 of Schedule 6 of the Local Government Act (NI) 2014 that Members of the public be asked to withdraw from the meeting whilst Members consider items D085/19 and D087/19.

Matters for Decision

D085/19 Redevelopment of the former Maghera High School Site

D086/19 Local Full Fibre Networks (LFFN) Challenge Fund

Matters for Information

D087/19 Confidential Minutes of Development Committee held on 14 March 2019

D088/19 Duration of Meeting

The Chair, Councillor McNamee acknowledged that this was the last meeting of the committee in the current council term and thanked Members and officers for their

contribution to the committee during his time as chair. He extended best wishes to fellow Members going forward to election and to Councillor McEldowney who was standing down from Council.

The meeting commenced at 7 pm and concluded at 7.25 pm

CHAIR _____

DATE _____

Minutes of Meeting of Policy and Resources Committee of Mid Ulster District Council held on Thursday 4 April 2019 in the Council Offices, Burn Road, Cookstown

Members Present

Councillor McKinney, Chair

Councillors Ashton, Buchanan, Cuddy, Doris, Elattar, Gildernew, Kearney, S McGuigan, McLean, S McPeake, Molloy, M Quinn (7.02 pm)

Officers in Attendance

Mr A Tohill, Chief Executive
Mr Browne, Head of Tourism
Mrs Campbell, Director of Leisure and Outdoor Recreation
Mrs Canavan, Director of Organisational Development
Mr Cassells, Director of Environment and Property
Mr Hall, Head of Parks
Mr Kelso, Director of Public Health and Infrastructure
Mr Lowry, Head of Technical Services
Ms McNally, Council Solicitor
Ms Mezza, Head of Marketing and Communications
Mr O'Hagan, Head of IT
Mr Scullion, Head of Property Services
Mr JJ Tohill, Director of Finance
Miss Thompson, Democratic Services Officer

The meeting commenced at 7.00 pm.

The Chair, Councillor McKinney stated this was the last Policy and Resources meeting of the Council term and thanked the Chief Executive and Officers for the presentation of papers and guidance and Members for their attendance and participation. The Chair wished everyone well for the future.

PR065/19 Apologies

Councillors Forde, D McPeake and Totten.

PR066/19 Declaration of Interest

The Chair reminded members of their responsibility with regard to declarations of interest.

Councillors Kearney and S McPeake declared an interest in agenda item 4 – Path and Angling Stands at Glenone and Newferry as they both sat on a working group for same.

PR067/19 Chair's Business

None.

Councillor M Quinn entered the meeting at 7.02 pm.

Matters for Decision

PR068/19 Path and Angling Stands at Glenone and Newferry

The Head of Parks presented previously circulated report which sought approval to allocate capital budget resources in relation to the development of public path access and extension of public angling amenity at Glenone to Newferry.

Councillor McLean stated that a potential saving of £40k was significant and asked how this could be achieved.

The Head of Parks advised that savings could be made on some of the furniture, ie. seating, for the scheme. Further savings could also be achieved by reducing the number of laybys and deferring some of the access works.

Councillor McLean again stated that £40k savings was considerable however he felt that if £315,883 was what was required the project should not be shortchanged now and there then being a need to spend additional monies further down the line and asked officers to take this into consideration.

Councillor Kearney stated that this was a great project and also a great opportunity, the Councillor stated he appreciated Councillor McLean's comments and also spoke of the potential for Council to work with Mid and East Antrim Council as they were also benefitting from the work being done.

Councillor S McGuigan proposed the recommendation on the basis that the project is completed to as good a standard as possible.

Councillor McLean seconded Councillor S McGuigan's proposal.

Resolved That it be recommended to Council to allocate £315,883 funding from the 2019-20 Council Capital Programme Fund for the development of public path access and extension of public angling amenity at Glenone to Newferry. This figure does not include 10% contingency or professional fees. Works to be completed to as good a standard as possible.

The Director of Leisure and Outdoor Recreation and the Head of Parks left the meeting at 7.08 pm.

PR069/19 Davagh Forest Outdoor Experience (Phase II) DAERA funding applications

The Head of Tourism presented previously circulated report which sought permission to release an additional £16,855 from Council's Capital Fund to support the development of the Davagh Forest Outdoor Experience Phase II Project.

Proposed by Councillor S McPeake
Seconded by Councillor Doris and

Resolved That it be recommended to Council to release £16,855 from Council Capital Programme Fund for Davagh Forest Outdoor Experience Phase II Scheme.

The Head of Tourism left the meeting at 7.11 pm.

PR070/19 Consultation findings on proposed Corporate Improvement Objectives for period 2019-2020

The Chief Executive presented previously circulated report which provided update on the findings and outcome of the consultation undertaken on the proposed performance improvement objectives for 2019-2020.

Councillor Cuddy asked if there were clear and independent ways of measuring the progress of achieving the proposed Corporate Improvement Objectives.

The Chief Executive stated that there would be a rigorous regime of monitoring of the objectives put in place and that the objectives would also be subject to external audit.

Councillor Cuddy asked how increasing the number of visitors to the District would be measured.

The Chief Executive advised that Council relies on the tourism industry providing figures in relation to number of visitors to the District.

In response to Councillor S McGuigan's comments the Chief Executive stated that the feedback provided a resounding endorsement of the proposed objectives and that officers would take into consideration the additional comments made going forward.

Councillor S McGuigan referred to one of the comments made in relation to having a leisure centre membership which can be used at all leisure centres.

The Chief Executive stated that this was something officers have been working on for some time and will continue to work on and will be brought through the leisure services review.

Proposed by Councillor Cuddy
Seconded by Councillor Gildernew and

Resolved That it be recommended to Council to approve the following Corporate Improvement Objectives for 2019-2020 –

1. To assist in the growth of the local economy by increasing the number of visitors to our district.
2. To improve the average processing time for Local Planning Applications.

3. To improve the accessibility of our services by increasing the number available online.
4. To support people to adopt healthier lifestyles by increasing the usage of Council recreational facilities.

PR071/19 Elected Member Development Working Group Update

The Chief Executive presented previously circulated report which considered the report of a meeting of the Elected Member Development Working Group held on 28 February 2019.

Proposed by Councillor Cuddy
Seconded by Councillor S McGuigan and

Resolved That it be recommended to Council to approve the recommendations for Induction and future training made by the Elected Member Development Steering Group as follows -

- Directors to deliver one hour session as undernoted prior to each of the committees in June outlining the terms of reference of the committee

Committee	Training Date
Policy & Resources	6 June 2019
Environment Committee	11 June 2019
Development Committee	13 June 2019

- Planning Training for Members to be scheduled for 2pm on Friday 24 May 2019
- Drop in Clinics to be organised at each site to accommodate Receipt of Councillor Induction pack, signing of relevant documentation ie Declaration of Councillor, finance forms confirmation of details for website.
- Standing Order Training as previous to be delivered early in the new Council term.
- Declaration of Interest training, to include declaring interests with regard to planning matters.
- Code of Conduct training to be organised early in new Council term.
- Avail of awareness training opportunities with offered by the NI Strategic Migration Partnership

Matters for Information

PR072/19 Minutes of Policy and Resources Committee held on Thursday 7 March 2019

Members noted Minutes of Policy and Resources Committee held on Thursday 7 March 2019.

PR073/19 Arrangements for Annual Meeting of Council – May 2019

The Chief Executive presented previously circulated report which advised on arrangements for the Annual Meeting of Mid Ulster District Council following the Local Election scheduled for 2 May.

Members noted the content of the report.

Councillor M Quinn referred to list of representation on outside bodies as appended to report and highlighted that he was not a member of Maghera Town Centre Forum.

PR074/19 Council & Committee Governance Arrangements 2019-2023

Members noted previously circulated report which advised of existing Council and Committee governance arrangements and those to be applied during the new Council term 2019-2023.

PR075/19 Mid Ulster District Council's First Term 2015-2019: Review Report

The Head of Marketing and Communications presented previously circulated report which documented the achievements of the Council in its first four year term.

Members noted the content of the report.

The Chair, Councillor McKinney asked if it was felt that Council was moving in the right direction and in spending money if this was going to the right places/people.

The Chief Executive stated that the first four years had seen fantastic achievements for Council and that everyone should be proud of what has been done over the term and what is planned to be done in the years ahead.

The Chair, Councillor McKinney asked how the review report would be delivered to the public.

The Head of Marketing and Communications advised that the document would be published and also put on the Council website. The officer also advised that highlights from the document would be included in the Insight residents magazine and on social media.

PR076/19 Data Protection Legislative Update for Members

The Head of IT presented previously circulated report which advised on recent legislative changes to Personal Data Protection Legislation.

Members noted the content of the report.

Councillor S McGuigan referred to commentary within report which advised that those with CCTV on their premises are not exempt from the Data Protection registration fee.

The Head of IT stated that any business which has CCTV is not exempt and should continue to pay the Data Protection registration fee.

Local Government (NI) Act 2014 – Confidential Business

Proposed by Councillor Cuddy
Seconded by Councillor S McGuigan and

Resolved In accordance with Section 42, Part 1 of Schedule 6 of the Local Government Act (NI) 2014 that Members of the public be asked to withdraw from the meeting whilst Members consider items PR077/19 to PR091/19.

Matters for Decision

PR077/19	NetworkNI Connection (PSSN) Contract Migration
PR078/19	Davagh Dark Skies Connectivity Solution Tender
PR079/19	Appointment and Rates of Pay for Election Staff
PR080/19	Request for consent to undertake additional employment outside of hours of duty
PR081/19	Staff Matters for Decision
PR082/19	Fleet Safety Policy
PR083/19	Council Estate Capital Refurbishment Funding
PR084/19	Land Acquisitions and Disposals
PR085/19	Dungannon Leisure Centre – Renovation/Refurbishment
PR086/19	Increased ICT fees – Dungannon Leisure Centre Refurbishment
PR087/19	Members Allowances Update

Matters for Information

PR088/19	Confidential Minutes of Policy and Resources Committee held on Thursday 7 March 2019
PR089/19	Contracts and DAC
PR090/19	Financial Report for 11 months ended 28 February 2019
PR091/19	Staff Matters for Information

PR092/19 Duration of Meeting

The commenced at 7pm and concluded at 8.05 pm.

Chair _____

Date _____

Report on	Consideration of Requests for Civic Recognition
Date of Meeting	Monday 15 April 2019
Reporting Officer	P Moffett, Head of Democratic Services
Contact Officer	E Forde, Member Support Officer

Is this report restricted for confidential business?	Yes	
If 'Yes', confirm below the exempt information category relied upon	No	x

1.0	Purpose of Report				
1.1	To consider approval of request(s) for civic recognition from members, in line with council's <i>Civic Honour and Receptions Policy</i> .				
2.0	Background				
2.1	The policy was reviewed and subsequently agreed at April 2018 Council. All requests for recognition are to be submitted with Democratic Services using the pro-forma, <i>Request for Civic Recognition: Civic Honour & Civic Reception</i> . Requests for recognition are reviewed against the categories and associated criteria contained within the policy as detailed at 2.2.				
2.2	<u>Recognition</u> <ul style="list-style-type: none">Civic Honour: recognition will be permissible when the following has been achieved at an All-Ireland, European, International, or National level:<table><tr><td>Have won first place at a competition in their relevant field at the highest level of competition</td></tr><tr><td>Have received an outstanding achievement award at the highest level. Outstanding achievement relates to when a participant or group has not been involved in a competition</td></tr></table>Civic Reception: will be permissible for individual, groups or organisations when:<table><tr><td>Representing their country at International, European, All-Ireland or National level at the highest level</td></tr><tr><td>Winning first place at a competition at the highest level at a Northern Ireland or Provincial level in the relevant field at the highest level of competition</td></tr></table>	Have won first place at a competition in their relevant field at the highest level of competition	Have received an outstanding achievement award at the highest level. Outstanding achievement relates to when a participant or group has not been involved in a competition	Representing their country at International, European, All-Ireland or National level at the highest level	Winning first place at a competition at the highest level at a Northern Ireland or Provincial level in the relevant field at the highest level of competition
Have won first place at a competition in their relevant field at the highest level of competition					
Have received an outstanding achievement award at the highest level. Outstanding achievement relates to when a participant or group has not been involved in a competition					
Representing their country at International, European, All-Ireland or National level at the highest level					
Winning first place at a competition at the highest level at a Northern Ireland or Provincial level in the relevant field at the highest level of competition					

2.3	<div>Receiving an outstanding achievement award at the highest level at a Northern Ireland or Provincial level. Outstanding achievement relates to when a participant or group has not been involved in a competition</div>
	<p><u>Processing the Request</u></p> <ul style="list-style-type: none"> • Reviewed against the policy/criteria • Reviewed to identify if recognition provided for similar achievement within 3 years prior to this • Requests meeting criteria will be recommended to Council for Civic Honour or Civic Reception • Requests not meeting criteria will be recommended to Council to receive letter from Council Chair <p>Appendix A to this report sets out those requests received for recommendation to and approval by council. The request have been categorised in line with the revised policy.</p>
3.0	Main Report
3.1	<p>Implementation of the policy facilitates the Council in acknowledging the achievements of organisations and persons from the district, as put forward by members.</p> <p>Recognition requests received from members since the last meeting of council have been categorised, details of which are set out within appendix A to this report.</p>
3.2	
4.0	Other Considerations
4.1	Financial, Human Resources & Risk Implications
	Financial: not applicable
	Human: not applicable
	Risk Management: not applicable
4.2	Screening & Impact Assessments
	Equality & Good Relations Implications: not applicable
	Rural Needs Implications: not applicable

5.0	Recommendation(s)
5.1	That consideration be given to approving request for civic recognition requests
6.0	Documents Attached & References
	Appendix A – Civic Recognitions Recommended for Approval

Report on	Delegated Authority to Chief Executive on Matters - Period of Local Election 2019
Date of Meeting	Monday 15 th April, 2019
Reporting Officer	P Moffett, Head of Democratic Services
Contact Officer	A Tohill, Chief Executive

Is this report restricted for confidential business?	Yes	
If 'Yes', confirm below the exempt information category relied upon	No	X

1.0	Purpose of Report
1.1	To seek approval from Mid Ulster District Council for the Chief Executive to be delegated authority to make a series of decisions during the period of the 2019 local election.
2.0	Background
2.1	The final meeting of the current council term (2014-2019) will take place on Monday 15 th April after which no meetings are scheduled to transact business until June 2019. The first meeting to consider decisions from council committees will not take place until Thursday 27 th June.
2.2.	Although the Council's first Annual Meeting will take place on Monday 20 th May to agree positions of responsibility and receive nominations for committee membership for the new council term, following the 2 nd May Local Election, it should be noted that this meeting is being scheduled for the purpose of undertaking the aforementioned business.
3.0	Main Report
3.1	To permit and facilitate the continued delivery of council business authority on a number of key decisions is being requested to be delegated to the Chief Executive for the period Tuesday 16 th April and Wednesday 26 th June.
3.2	Section 7 of the Local Government Act (Northern Ireland) 2014 provides that a council may arrange for the discharge of any of its functions by (a) a committee, sub-committee or an officer of the council, or (b) by any other
3.3	In light of Section 7 of the Act, delegated authority is being sought for the Chief Executive to make a series of decisions in the absence of committee and council meetings from Tuesday 16 th April to Wednesday 26 th June. Appendix A to the this report details those specific issues and areas which will require a decision throughout the period of Tuesday 16 th April and Wednesday 26 th June been identified by Departments. Decisions identified.
3.4	Sec. 7 of the Act further confirms a number of functions which cannot be delegated and as such decisions on same can only be exercised by the Council. These functions extend to:

	<p>(i) Making a district rate under the Rates (Northern Ireland) Order 1977</p> <p>(ii) Making a determination under section 13(1) of the Local Government Finance Act (Northern Ireland) 2011 (affordable borrowing limit) and monitoring and amount determined</p> <p>(iii) Borrowing money, and</p> <p>(iv) Acquiring and disposing of land</p> <p>Delegated authority is not being sought for decisions relating to any of those issues aforementioned at (i) to (iv).</p>
4.0	Other Considerations
4.1	Financial, Human Resources & Risk Implications
	Financial: not applicable
	Human: not applicable
	Risk Management: not applicable
4.2	Screening & Impact Assessments
	Equality & Good Relations Implications: not applicable
	Rural Needs Implications: not applicable
5.0	Recommendation(s)
5.1	That the committee notes and considers the arrangements for the Council 2019 Annual Meeting set for Monday 20 May 2019.
6.0	Documents Attached & References
	Appendix A: Forward Planning on Decisions required during period 16 April - 26 June 2019

Appendix A: Forward Planning on Decisions required during period 16 April - 26 June 2019

The following table lists those issues and areas of the Council's business/services identified as requiring approval between 16th April and 26th June:

Department	Forward Planning Decisions Necessitating Delegated Authority
Finance	<ul style="list-style-type: none"> • Tender for Internal Audit Services
Business & Communities	<ul style="list-style-type: none"> • Approval of Tender Reports to appoint Contractors for the business programmes: <ol style="list-style-type: none"> 1. Tender Ready Programme 2. Digital First Programme 3. Gearing for Growth Programme 4. Transform Programme • Approval of a Tender Report to appoint a Chartered Architect to Develop and Deliver a Town and Village Business Spruce Up Scheme in Mid Ulster District • Approval to continue funding Women in Business for years 2 and 3 • Decision required on whether Council wish to fund the Mid Ulster Business Awards, organised by Johnston Press. • Under Rural Villages Project approval is needed by Capital team:– Group 5 - Ackinduff/Killeshil, Clonoe, Brocagh, Eglish and Tamnamore – potential value of £165,000 <p>Other Decisions on Villages</p> <ul style="list-style-type: none"> • Agreement on Department for Communities funded Capital projects for 2019/20 and beyond. <p>Culture and Arts</p> <ul style="list-style-type: none"> • Signing of Letter of Offer from DAREA regarding Seamus Heaney Trails

Leisure & Outdoor Recreation	<ul style="list-style-type: none"> • Café Lease – Cookstown Leisure Centre and Dungannon Park • Leisure staff uniform to Award • Leisure Spin Bike Replacements to Award • Agree lease/licence for Portglenone Bluewater
Public Health & Infrastructure	<ul style="list-style-type: none"> • Road Closures Orders • Award of IST Contracts: Gortgonis Enabling Works; Villages Groups 4 and 5 (TS); Aughnacloy Changing Room location (TS) and Portglenone Fishing Stands • Contract Awards if required to be expedited to meet funding timescales or a statutory requirement to proceed
Planning	<ul style="list-style-type: none"> • No further delegation is required for the period. Delegated applications will be held to the first available Planning Committee meeting of the new Council in June 2019.
Chief Executive	<ul style="list-style-type: none"> • Legal: Application of Council Seal to meet funding deadline/timescales from DAERA Rural Development Programme during the period. Authority to affix and apply the Council Seal during the period to those legal agreements as necessitated where paperwork is required to be completed is being sought)

5 April 2019

Report on	Correspondence to Council – April 2019
Date of Meeting	Monday 15 April, 2019
Reporting Officer	P Moffett, Head of Democratic Services
Contact Officer	P Moffett, Head of Democratic Services

Is this report restricted for confidential business?	Yes	
If 'Yes', confirm below the exempt information category relied upon	No	x

1.0	Purpose of Report
1.1	Provide an update on correspondence received for attention of Council.
2.0	Background
2.1	This paper refers to correspondence to be brought to the attention of Council. Items are referred to in 3.0 below.
3.0	Main Report
3.1	<p>Correspondence from Head of Marine Conservation & Reporting, DAERA</p> <p>The Head of Marine Conservation & Reporting, DAERA has corresponded with Council giving notification that they have update the Register of Sites for the North Channel Special Area of Conservation. The correspondence is attached as appendix A.</p>
3.2	<p>Correspondence from Mayor of Ards & North Down, Borough Council</p> <p>The Mayor of Ards & North Down Borough Council has corresponded with the Council Chair expressing his council's sincerest condolences on the tragic loss of three local teenagers on St Patricks Day as a result of the incident at the Greenvale Hotel, Cookstown. Correspondence is attached as appendix B.</p>
3.3	<p>Correspondence from Regional Secretary, National Association of Councillors (NI)</p> <p>The Regional Secretary of the National Association of Councillors has written to the council on behalf its Executive Committee and members extending condolences in relation to the tragic incident at the Greenvale Hotel, Cookstown. Correspondence is attached as appendix C.</p>
3.4	<p>Correspondence from Census Office, NISRA</p> <p>NISRA has given notification that it has published proposals for the 2021 Census in Northern Ireland. The Proposals Document is accessible at www.nisra.gov.uk/publications/2021-census-proposals-document</p>

	The correspondence is attached as appendix D.
4.0	Other Considerations
4.1	Financial, Human Resources & Risk Implications
	Financial: not applicable
	Human: not applicable
	Risk Management: not applicable
4.2	Screening & Impact Assessments
	Equality & Good Relations Implications: not applicable
	Rural Needs Implications: not applicable
5.0	Recommendation(s)
5.1	That Council notes and considers, as necessary, the correspondence received.
6.0	Documents Attached & References
	Appendix A: Head of Marine Conservation & Reporting, DAERA Appendix B: Mayor, Ards & North Down Borough Council Appendix C: Regional Secretary, National Association of Councillors (Northern Ireland) Appendix D: Census Office, NISRA



**Environment, Marine & Fisheries Group
Marine & Fisheries Division**

Klondyke Building
Cromac Avenue
Belfast BT7 2JA
Telephone: 02890 569235
Email: MarineConservation@daera-ni.gov.uk

Date: 28 March 2019

Dear Sir/Madam

**UPDATE OF THE REGISTER OF EUROPEAN SITES FOR NORTH CHANNEL
SPECIAL AREA OF CONSERVATION**

In accordance with Regulation 11(1) of The Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended), notice is hereby given that the Department has updated the Register of European Sites to reflect the fact that North Channel has been formally designated as a Special Area of Conservation. This is the last stage in the designation process.

I am writing to you because of your role as either: a Competent Authority; a Local Council; a Crown Estate lease-holder or a landowner within the site. As this site includes an Offshore component you may receive a similar notification from the Joint Nature Conservation Committee.

I have enclosed an updated copy of the relevant Register entry for your information, in accordance with Regulation 11(2).



The register is compiled and maintained under Regulation 10 of the same Regulations. A copy of the Register is available in this office for inspection by the public during normal working hours, free of charge.

As this site includes waters beyond the jurisdiction of the Department, the site was also entered into the the European Register held by the Department for Environment, Food and Rural Affairs (Defra) in accordance with Regulation 19 of The Conservation of Offshore Marine Habitats and Species Regulations 2017.

Further information about this site is available on the Joint Nature Conservation Committee's website via the following link:

- North Channel SAC: <http://jncc.defra.gov.uk/page-7242>

If you require any further information please contact Marine Conservation and Reporting as detailed above.

Yours faithfully

Colin Armstrong
Head of Marine Conservation and Reporting



Register Entry UK0030399 under Regulation 10 of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended).

This is the register entry for the European site known as North Channel Special Area of Conservation. The site has been designated by the Secretary of State pursuant to Article 4(4) of Council Directive 92/43/EEC on the Conservation of Natural Habitats of Wild Fauna and Flora as a Special Area of Conservation.

The register reference number for this European site is UK0030399 and a folder, kept under this reference as part of the register, contains a map of the European site and a citation giving the reasons for the designation of the site as a Special Area of Conservation. The map and citation are identified by the register reference number and signed on the date of registration.

Other details of the European site are as follows:

Date submitted to the European Commission: 30 January 2017

Date approved by the European Commission as a Site of Community Importance:

12th December 2018

Date site designated as a Special Area of Conservation: 26th February 2019

Site centre location¹:

Longitude: 05 17 37 W

Latitude: 54 27 20 N

Area: 160,367 hectares (Projection: Europe Albers_Equal_Area_Conic²)

Priority status³: No

Date of Registration: 25 March 2019

1. This indicates the approximate centre of the site. Where the European site consists of several distinct areas, the co-ordinates of the most important sub-area are entered.

2. Modified projection suited for mapping the offshore continental shelf. Full details available from Joint Nature Conservation Committee OffshoreMPAs@jncc.gov.uk.

3. Indicates if the site has been identified under Article 4.2 of Council Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Fauna and Flora as hosting one or more priority natural habitat or priority species.



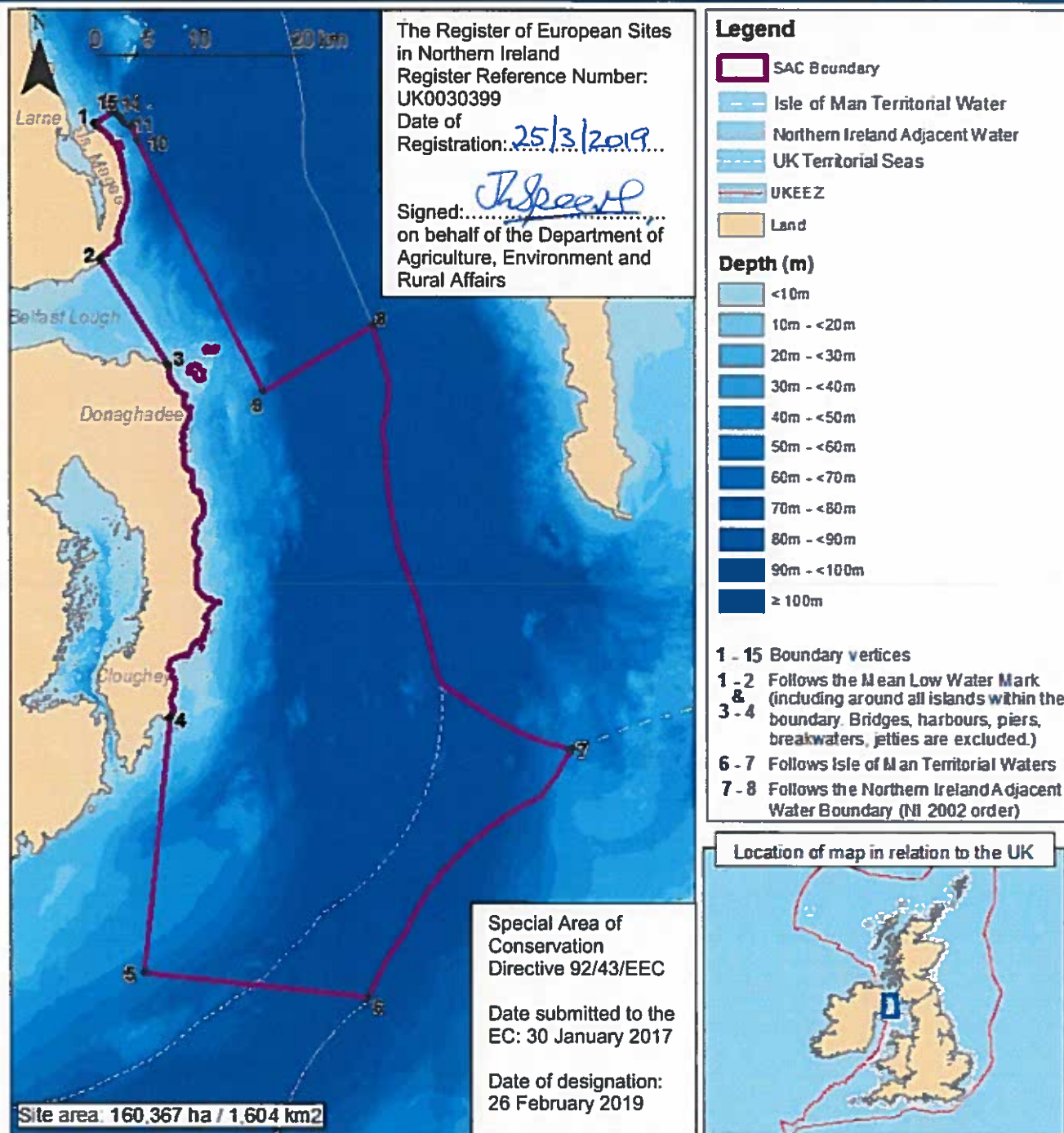
**The Official Seal of the
Department of Agriculture, Environment and Rural Affairs
hereunto affixed is authenticated
by:**



On behalf of the Department of
Agriculture, Environment and Rural Affairs



North Channel



Includes data provided by UKHO, Defra, OS and JNCC. © Crown Copyright © OS MasterMap. All rights reserved.
Not to be used for navigation. © JNCC 02/2019. Coordinates displayed in WGS84 geographic coordinate system.
Site area calculated using modified Europe_Albers_Equal_Area_Conic_UK projection.

ID	Latitude	Longitude	ID	Latitude	Longitude	ID	Latitude	Longitude
1	54° 51' 34.7" N	5° 45' 46.6" W	6	54° 11' 30.7" N	5° 5' 8.3" W	11	54° 51' 50.6" N	5° 42' 33.9" W
2	54° 44' 55.9" N	5° 42' 33.0" W	7	54° 25' 59.8" N	4° 52' 7.7" W	12	54° 52' 1.0" N	5° 43' 14.3" W
3	54° 40' 30.7" N	5° 34' 37.0" W	8	54° 44' 48.0" N	5° 17' 30.8" W	13	54° 52' 11.2" N	5° 43' 35.8" W
4	54° 23' 6.4" N	5° 27' 40.7" W	9	54° 40' 16.0" N	5° 25' 43.8" W	14	54° 52' 19.8" N	5° 43' 59.1" W
5	54° 10' 8.4" N	5° 25' 0.3" W	10	54° 51' 14.4" N	5° 41' 45.0" W	15	54° 52' 25.8" N	5° 44' 21.3" W



Reasons for designation as a Special Area of Conservation

Area Name: North Channel

Administrative Area: Antrim/Down/Offshore

Component ASSI: N/A

This area has been designated as a Special Area of Conservation (SAC) because it contains habitat types and/or species which are rare or threatened within a European context. The habitats and/or species for which the area has been designated as an SAC are listed below.

Site Description:

The North Channel SAC is located in the Celtic and Irish Sea Management Unit⁴ and has been recognised as an area with predicted persistent high densities of harbour porpoise. The site stretches along part of the east coast of Northern Ireland from Island Magee in the north to south of Cloughey. It extends across the northern part of the Irish Sea, with its southern edge bordering Isle of Man waters and the eastern edge following the Northern Ireland Adjacent Waters Boundary. Harbour porpoise occur within the site year round but during the winter, persistently higher densities of harbour porpoise are present here compared to other parts of the Management Unit. The site comprises an area of 1,604km² and habitats include coarse or sandy sediments, with patches of rock and mud. Water depths within the site reach a maximum of 150m along the eastern boundary, but much of the site lies between 10m and 40m. The site covers important winter habitat for harbour porpoise.

Qualifying Interest(s) submitted to the European Commission:

1. 1351: Harbour porpoise (*Phocoena phocoena*)

- for which this is considered to be one of the best areas in the United Kingdom.

⁴ JNCC Report No: 547 Management Units for cetaceans in UK waters (January 2015)
http://jncc.defra.gov.uk/pdf/Report_547_webv2.pdf



References

- CODA. 2009. Cetacean Offshore Distribution and Abundance in the European Atlantic. Final Report. 43pp. http://biology.st-andrews.ac.uk/coda/documents/CODA_Final_Report_11-2-09.pdf
- Embling, C. B., Gillibrand, P. A., Gordon, J., Shrimpton, J., Stevick, P. T., and Hammond, P. S. 2010. Using habitat models to identify suitable sites for marine protected areas for harbour porpoises *Phocoena phocoena*. *Biological Conservation*, 143, 267–279.
- Hammond, P. S., Berggren, P., Benke, H., Borchers, D. L., Collet, A., Heide-Jorgensen, M. P., Heimlich, S., Hiby, A. R., Leopold, M. F. and Øien, N. 2002 Abundance of harbour porpoise and other cetaceans in the North Sea and adjacent waters. *Journal of Applied Ecology*, 39, 361–376.
- Hammond, P.S., Macleod, K., Berggren, P., Borchers, D.L., Burt, L., Cañadas, A., Desportes, G., Donovan, G.P., Gilles, A., Gillespie, D., Gordon, J., Hiby, L., Kuklik, I., Leaper, R., Lehnert, K., Leopold, M., Lovell, P., Øien, N., Paxton, C.G.M., Ridoux, V., Rogan, E., Samarran, F., Scheidat, M., Sequeira, M., Siebert, U., SKov, H., Swift, R., Tasker, M.L., Teilmann, J., van Canneyt, O. and Vázquez, J.A. 2013. Cetacean abundance and distribution in European Atlantic shelf waters to inform conservation and management. *Biological Conservation*, 164, 107–122
- Heinänen, S and Skov, H. 2015. The identification of discrete and persistent areas of relatively high harbour porpoise density in the wider UK marine area, JNCC Report No. 544, JNCC, Peterborough.
- DAERA and JNCC (2017) SAC Selection Assessment: North Channel. January, 2017. Joint Nature Conservation Committee, UK. Available from: <http://jncc.defra.gov.uk/page-7242>

19 March 2019

The Chair of Mid Ulster District Council
Councillor Sean McPeake
Circular Road
DUNGANNON
BT71 6DN

Dear Councillor McPeake

I was deeply saddened to learn of the horrific incident that occurred at the Greenvale Hotel, Cookstown on St Patrick's Day, when a crush of young people resulted in the tragic loss of three local teenagers.

At this truly distressing time for yourself, fellow residents of Cookstown and the surrounding districts, may I as Mayor of Ards and North Down Borough Council convey my sincerest condolences on behalf of the Aldermen, Councillors and residents of this Borough and assure you that our thoughts of compassion and support are with you all.

Yours sincerely



Councillor Richard Smart
Mayor of Ards and North Down





Chair of Council
Councillor Sean McPeake
Mid Ulster Council
Burn Road
Cookstown
BT80 8DT

1 April 2019

Dear Councillor McPeake

I am writing on behalf of the Executive Committee and Members of the National Association of Councillors to extend our sincere condolences in relation to the tragic incident at the Greenvale Hotel.

We are deeply saddened at the loss of young lives and the trauma that their families, friends and the community must be feeling. We send our heartfelt sympathies to the people of Cookstown and the surrounding areas.

With our best wishes.

Councillor Joe Boyle
Regional Secretary
National Association of Councillors

From: NISRA 2021 Census StakeHolder Engagement
<2021.Census.Stakeholder.Engagement@nisra.gov.uk>
Sent: 03 April 2019 14:55
Subject: 2021 Census Proposals

For the attention of the Chief Executive

NISRA has today published proposals for the **2021 Census in Northern Ireland**. The Proposals Document can be accessed at www.nisra.gov.uk/publications/2021-census-proposals-document

The document sets out the Registrar General's detailed proposals for the design and conduct of the 2021 Census, including plans for a census rehearsal later this year.

Census Office plan to hold engagement events to explain and discuss the proposals – details of these events will be forwarded to you in due course.

Census Office
NISRA

Email: 2021.census.stakeholder.engagement@nisra.gov.uk
Website: www.nisra.gov.uk
Tel: 028 90 255156



Report on	Consultations notified to Mid Ulster District Council
Date of Meeting	15 April 2019
Reporting Officer	Philip Moffett, Head of Democratic Services
Contact Officer	Ann McAleer, Corporate Policy and Equality Officer

Is this report restricted for confidential business?	Yes	
If 'Yes', confirm below the exempt information category relied upon	No	x

1.0	Purpose of Report
1.1	To update members on the consultations notified to Mid Ulster District Council for comment.
2.0	Background
2.1	Council is a consultee for many government departments, statutory agencies and other bodies, and as such receives consultation documentation inviting commentary on a wide range of issues that may be pertinent to council services and/or the District.
3.0	Main Report
3.1	Documentation relating to the aforementioned consultations can be accessed via the links provided in the table provided in Appendix A.
4.0	Other Considerations
4.1	Financial, Human Resources & Risk Implications
	Financial: N/A
	Human: N/A
	Risk Management: N/A
4.2	Screening & Impact Assessments
	Equality & Good Relations Implications: None
	Rural Needs Implications: None
5.0	Recommendation(s)
5.1	Members review and note consultations notified to Mid Ulster District Council.
6.0	Documents Attached & References
	Appendix A: Details of Current Consultations

Appendix A: Details of Current Consultations

Organisation	Consultation Title	Issue	Closing Date	Response Currently Being Developed
Department of Health	Reshaping Stroke Care-Saving Lives, Reducing Disability	Via the 2017 pre consultation, the Department have identified 6 options to reshape hospital-based care based on the establishment of Hyperacute Stroke Units (HASUs) and Acute Stroke Units (ASUs).	18 June 2019	
	Link to Consultation	https://www.health-ni.gov.uk/consultations/reshaping-stroke-care or https://consultations.nidirect.gov.uk/		
	Delegated Authority required to be granted to a Committee if Council agrees that a response should be made (where an extension is not given)?			
	Yes/No (delete as appropriate)			
Organisation	Consultation Title	Issue	Closing Date	Response Currently Being Developed
Department of Health	Reshaping Breast Assessment Services	This consultation focuses on a regional Breast Assessment Network being established by December 2019 to oversee implementation and ongoing delivery of the future model of Breast Assessment Services, to include all Trusts, commissioners. The proposal suggests 5 centres reduced to 3 with the clinics held in Altnagelvin, Antrim and Ulster Hospitals.	17 June 2019	
	Link to Consultation	https://www.health-ni.gov.uk/consultations/reshaping-breast-assessment-services		
	Delegated Authority required to be granted to a Committee if Council agrees that a response should be made (where an extension is not given)?			
	Yes/No (delete as appropriate)			

Organisation	Consultation Title	Issue	Closing Date	Response Currently Being Developed
Department for Communities	Consultation on The sale and supply of Alcoholic Drinks at 'Special Events' in Northern Ireland	The permitted hours for the sale of alcoholic drinks in Northern Ireland is, subject to exemptions, 11.30am to 11pm Monday to Saturday and 12.30pm to 10pm on a Sunday. In certain circumstances these hours can be extended to 1am Monday to Saturday and 12midnight on a Sunday. The Department wishes to be given the power to vary the permitted hours at "special events" and to permit off-sales in certain circumstances. This would mean that events which attract significant public interest may have the opportunity to extend their offering by serving alcoholic drinks outside the current permitted hours, or in certain circumstances to sell alcoholic drinks for consumption at home.	3 May 2019	
	Link to Consultation	https://www.communities-ni.gov.uk/consultations/sale-and-supply-alcoholic-drinks-special-events-northern-ireland		
	Delegated Authority required to be granted to a Committee if Council agrees that a response should be made (where an extension is not given)?			
	Yes/No (delete as appropriate)			
Organisation	Consultation Title	Issue	Closing Date	Response Currently Being Developed
Department for Infrastructure	Consultation on Environmental Statement Addendum (2019) and other document	The Department have published for consultation an Addendum to the A5WTC Environmental Statement and updated	17 May 2019	

		draft reports of information to inform an appropriate assessment on a number of environmentally sensitive sites in the vicinity of the proposed new road. The relevant documentation is available for inspection.		
	Link to Consultation	https://www.infrastructure-ni.gov.uk/news/public-invited-submit-views-a5-updated-environmental-information		
	Delegated Authority required to be granted to a Committee if Council agrees that a response should be made (where an extension is not given)?			
	Yes/No (delete as appropriate)			