



23 August 2018

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 Thursday, 23 August 2018 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 26 July 2018 | 3 - 16 |
| 5. | Planning Committee Minutes of Meeting held on Tuesday 7 August 2018 | 17 - 26 |
| 6. | Planning Application LA09/2017/0936F Cap Farms Ltd | 27 - 56 |
| 7. | Revised timetable for production of MUDC Development Plan | 57 - 64 |
| 8. | Revised Statement of Community Involvement for Planning Functions | 65 - 112 |
| 9. | Conferences, Seminar and Training | 113 - 122 |
| 10. | Civic Recognition Report | 123 - 128 |

Matters for Information

- | | | |
|----|---|-----------|
| 11 | Consultations notified to Mid Ulster District Council | 129 - 132 |
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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

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| 12. | Council meeting confidential minutes of meeting held on 26 |
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July 2018

13. Planning Committee Confidential Minutes of Meeting held on 7 August 2018
14. Tender report for the appointment of a Fire and Security Maintenance contract for Council Property
15. Capital Project - St. Patrick's Hall, Ardboe
16. Capital Projects - Upperlands

Matters for Information

**Minutes of Meeting of Mid Ulster District Council held on Thursday 26 July 2018
in the Council Offices, Circular Road, Dungannon**

Chair: Councillor McPeake

Members Present: Councillors Ashton, Bateson, Bell, Burton, Clarke, Cuddy, Cuthbertson, Forde, Gildernew, Gillespie, , Kearney, Mallaghan, McAleer, McEldowney, McGinley, B McGuigan, S McGuigan, McKinney, McLean, McNamee, Milne, Molloy, Monteith, Mullen, Mulligan, J O'Neill, T Quinn, M Quinn, Reid, G Shiels, Totten and Wilson

Officers in Attendance: Mr McCreesh, Director of Business & Communities
Ms Anne Marie Campbell, Director of Leisure & Outdoor Rec.
Ms Canavan, Director of Organisational Development
Mr Kelso, Director of Public Health & Infrastructure
Ms Mezza, Head of Marketing & Communications
Mr P Moffett, Head of Democratic Services
Mr JJ Tohill, Director of Finance
Mrs Forde, Member Support Officer

The meeting commenced at 7pm

C159/18 Apologies

Councillor Buchanan, Doris, Elattar, Glasgow and McFlynn

C160/18 Declarations of Interest

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

C161/18 Chair's Business

None

Matters for Decision

C162/18 Receive and Consider Minutes of matters transacted in "Open Business" at the Council meeting held on Thursday 28 June 2018

Proposed by Councillor McGinley
Seconded by Councillor McNamee and

Resolved: That the Minutes of the Meeting of the Council held on Thursday 28 June 2018 (C130/18 – C149/18 and C158/18) transacted in Open Business having been printed and circulated were considered and adopted.

C163/18 Receive and Consider Minutes of matters transacted in “Open Business” at the Environment Committee held on Monday 2 July 2018

Proposed by Councillor B McGuigan
Seconded by Councillor Gillespie and

Resolved That that the Minutes of the Meeting of the Environment Committee held on Monday 2 July 2018 (E207/18/18 – E226/18 and E235/18) transacted in “Open Business” having been printed and circulated were considered and adopted;

C164/18 Receive and Consider Minutes of matters transacted in “Open Business” at the Planning Committee meeting held on Tuesday 3 July 2018

Councillor Clarke drew Members attention to P092/18 LA09/2017/0948/F and LA09/2018/018/DCA re 10 Circular Road, Dungannon and advised that he had spoken at the planning committee regarding the application. He again expressed concern that the planned works backed onto the Council’s Hill of The O’Neill site. He emphasised that Council must take care to protect the archaeological site and proposed that the work is carried out under close archaeological supervision. Councillor Clarke spoke of having attended an event on the Hill of The O’Neill and stated if Council was going to protect this key feature it must take every opportunity to research what is happening around it.

Proposed by Councillor Clarke
Seconded by Councillor Bell

That the works associated with planning application LA09/2017/0948/F and LA09/2018/018/DCA re 10 Circular Road, Dungannon is carried out with archaeological supervision.

Councillor McKinney stated that at the planning committee the matter had been discussed and Officers had advised that the NIEA (Northern Ireland Environment Agency) had not expressed concern in relation to the planning application.

Councillor Cuddy stated he was not familiar with the application but was not 100% sure if the property backed onto the Hill of The O’Neill and said that Council should be careful not to delay the application.

Councillor Molloy concurred with Councillor Clarke and stated he had had representation on the application and supported the matter being raised with the NIEA but said that in his experience they appeared to be relaxed about past history.

Councillor Monteith declared an interest in the application as the neighbouring property had been his grandfather’s house and was still in family ownership.

Councillor Monteith shared Councillor Molloy’s scepticism regarding the NIEA but sought clarity as to whether they had been approached with regard to the application.

Councillor McLean asked why no one from the planning department was in attendance at the meeting.

Councillor Cuthbertson stated he had declared an interest at the Planning Committee and stated that Council should be careful in its discussions as the Planning Committee had devolved powers in relation to applications and thus the approval would already be granted.

Councillor Reid stated that the matter had been discussed at the planning committee at which time Mr Bowman had addressed the issue and that the application should progress.

The Director of Business and Communities reminded Members that the planning committee had devolved powers in relation to applications and thus the decision was effective immediately. The Director summarised the discussion stating that the decision made in relation to the application would progress and that the concerns of Members would be relayed to the Planning Manager.

Councillor Clarke concurred.

Councillor Cuthbertson expressed concern in relation to the delay in responses from Environmental Health section to statutory consultations. He stated that Members were critical of other statutory bodies delaying applications as such delays halted investment and development yet it itself was causing delays.

In response the Chair Councillor McPeake stated an update would be sought in relation to the matter.

Councillor Monteith concurred with aforementioned comments and sought clarity as to why there was no representation from the Planning Department present at the meeting.

In response the Director of Business and Communities stated the Officer had another engagement and the matter would be brought to his attention.

Councillor Monteith stated that the Chief Executive was not in attendance but had arranged representation.

Resolved That

- (i) P092/18 LA09/2017/0948/F and LA09/2018/018/DCA re 10 Circular Road, Dungannon – That Planning Department is mindful of the archaeological importance of the Hill of The O'Neill which neighbours the property at the rear;
- (ii) That an update be provided with regard to the delay in responses provided by Environmental Health in relation to statutory consultations.

Proposed by Councillor Clarke

Seconded by Councillor McKinney and

Resolved That the Minutes of the Meeting of the Planning Committee held on Tuesday 5 July 2018 (P089/18 – P094/18 and P101/18) transacted in “Open Business” having been printed and circulated, subject to the foregoing were considered and adopted.

C165/18 Receive and Consider Minutes of matters transacted in “Open Business” at the Development Committee held on Wednesday 4 July 2018

Proposed by Councillor McNamee
Seconded by Councillor Wilson and

Resolved: That the Minutes of the Meeting of the Development Committee held on Wednesday 4 July 2018 (D138/18 – D157/18 and D161/18) transacted in “Open Business” having been printed and circulated were considered and adopted.

C166/18 Receive and Consider Minutes of matters transacted in “Open Business” at the Policy and Resources meeting held on Thursday 5 July 2018

Proposed by Councillor Gildernew
Seconded by Councillor Molloy and

Resolved: That the Minutes of the Meeting of the Policy & Resources Committee held on Thursday 5 July 2018 (PR150/18 – PR160/18 and PR173/18) transacted in “Open Business” having been printed and circulated and subject to the foregoing were considered and adopted.

C167/18 Receive and Consider Minutes of matters transacted in “Open Business” at the Special Council meeting held on Monday 9 July 2018

The Chair, Councillor McPeake invited the Director of Public Health and Infrastructure to update Members following the meeting that took place on Tuesday 24 July 2018.

The Director of Public Health and Infrastructure reminded Members of the two previous resolutions firstly to progress the High Court Order and secondly to set up a meeting to discuss a way forward.

The Director apologised that the minute of the meeting was not yet finalised but assured Members it would be issued in due course. He outlined four points as undernoted which had arisen from the meeting;

- (i) The Planning Manager had indicated that the NIHE (Northern Ireland Housing Executive) had not completed the formal report regarding Travellers Needs Assessment, the relevance of which is that the Traad site feasibility assessment cannot be completed until Council are in receipt of

- the formal Needs Assessment. The Director of Public Health and Infrastructure recommended that work on the Traad site assessment is suspended until the aforementioned report had been received by Council.
- (ii) That a working group is established by Council to liaise with NIHE and relevant Statutory agencies;
 - (iii) That the NIHE had indicated verbally they recognised there was a need for establishment of traveller accommodation but until the formal assessment had been completed that they would give consideration to temporary accommodation. It was noted that the remit for provision of such accommodation was that of the NIHE; and
 - (iv) The NIHE team would provide time scales to Council for completion of the Travellers Needs Assessment and any other associated works.

Councillor McGinley proposed the minutes.

In response to Councillor McGinley's enquiry the Director of Public Health and Infrastructure advised that despite repeated requests over a number of years Council had not been furnished with the formal Travellers Needs Assessment but had been provided with a review of Council identified sites.

The Director stated at the meeting on Tuesday 24 July the NIHE confirmed that they would have the mechanisms in place to commence the formal needs assessment in September.

Councillor McGinley expressed extreme disappointment stating that Council had embarked on a journey in good faith and that the current situation was somewhat desperate and would have a massive impact. He stated that he hoped the NIHE would complete the aforementioned report swiftly and asked if the Planning Department could move forward with the feasibility studies.

In response the Director of Public Health and Infrastructure stated that it would not be appropriate to carry on with the feasibility studies without the formal report.

Councillor McGinley expressed his disappointment that the NIHE had left Council in this situation and emphasised that the need was clearly visible.

Proposal One

Proposed by Councillor McGinley

That Council continue to progress the ongoing scoping study in relation to identification of potential sites for traveller provision but do not progress feasibility studies on any of these sites until the Northern Ireland Housing Executive furnish Council with a formal report regarding Travellers Needs Assessment.

Councillor McLean expressed his disappointment at the timing of the meeting and stated that 12 noon was not a suitable time. He recalled that the legacy Council of Magherafelt had written to two Ministers to clarify if the role of the Councillor in the 'super Councils' was full or part time and both had indicated that the role would be part

time. As such Councillor McLean stated that the process was unsavoury and he would even say it was deliberate to exclude some Councillors.

The Chair, Councillor McPeake stated that Councillor McLean should not make such statements.

Councillor McLean stated that there had been a meeting of Council, the minutes of which were before Members and asked why the NIHE representative had not been challenged on the evidence that had been presented to Members. He stated that the Council are 'doing catch up' when the NIHE appeared not to have carried out its duties for a number of years. Councillor McLean stated that this appeared to be a 'get out clause' which in his opinion was a fiasco, a joke and an embarrassment to Council. He stressed that the people who have been the most effected are still affected and had been let down by Council.

In relation to meeting times the Chair, Councillor McPeake stated that some Councils had all their meetings during working hours and emphasised that it was difficult for officers to strike a balance and it was wrong of Councillor McLean to indicate otherwise.

Councillor McLean stated that officers pick and choose times to suit.

Councillor Wilson also expressed concern regarding the time of the meeting on Tuesday 24 July and stated if one was astute you would say it was called to be prior to the meeting held by the community at Ballyronan.

He stated that Council had embarked on the issue without any evidence from the NIHE and was carrying out a task which was not its function. He stressed that the Travelling Community had human rights but it was not the remit of Council to provide accommodation. He stated that Council had assisted with a scoping study which he had understood was on evidence. He stated he had attended the meeting at Ballyronan and asked who had identified the five sites in question, he further stated that he would not be happy to progress the matter until the evidential information required had been received from the NIHE.

Councillor McGinley responding directly to Councillor Wilson stated he was requesting the scoping exercise to continue as there was a clear need and everyone had experienced illegal encampments over the past 15-20 years. He stressed that Council had acted in good faith and when the NIHE did provide the report Council would be ready.

Councillor Kearney on behalf of Councillor McFlynn who could not be present stated that there had been a successful interagency meeting in Magherafelt and also a meeting in Ballyronan, he stated that the meeting on 24 July had been positive and that the Planning Manager had provided clear answers. He advised he had been raised along the River Bann and had been taught it was an 'angry monster' evidence of which had been the drowning of a young mother in recent days. He stated that he had an affinity with the people from Traad an area of outstanding beauty and recreation. He stated that the community of Traad had welcomed the cross party support and emphasised that Members were their 'eyes and ears'. He reminded

Members that they had all been involved with local issues such as fracking, mining and gas pipes. Councillor Kearney stated it was his belief that the NIHE would act quickly but that keeping Traad in the Scoping study was a waste of money and resources.

Proposal Two

Proposed by Councillor Kearney
Seconded by Councillor M Quinn

That due to community concerns and the health and safety of the travelling community that Traad is excluded from the current scoping study.

The Chair, Councillor McPeake advised that the Director of Public Health and Infrastructure would outline Councils involvement to date.

The Director of Public Health and Infrastructure in response advised that the first report had been brought to the Environment Committee in December 2016 updating Members on Travellers issues. As a result of this report Council wrote to the NIHE in January 2017 regarding the identification of sites and requesting an update on the needs assessment. In response the NIHE then indicated that they were struggling to identify sites. In October 2017 a proposal was brought to the Environment committee to appoint a design team to carry out a scoping study of possible sites. The design team were appointed January 2018 and requested to liaise with the NIHE to address the matter. The design team met with the Place Shaping Planning Team in the NIHE in the preparation of the scoping report.

The Director acknowledged that it was disappointing that the scoping report was in place and that the NIHE had not yet fulfilled their duties. He advised that correspondence from the NIHE indicated that the need assessment report was being progressed and that Council had acted in good faith on behalf of both the ratepayers and the Travelling families.

With regard to the timing of the meeting on Tuesday 24 July the Director stated that he had been on annual leave at the time and both apologised and assured the Member that it had not been the intention to exclude anyone.

Councillor McGinley reiterated his proposal aforementioned.

Councillor Batson seconded Councillor McGinley's proposal.

Proposal Three

Proposed by Councillor Wilson
Seconded by Councillor McLean

That Council halt the scoping exercise and associated actions until it was in receipt of the formal report regarding Travellers Needs Assessment from the NIHE.

Councillor McKinney stated that he was aware that the Travelling families had moved away and returned and stated that their time at the site needed to be clarified. He stated there was a need for a traveling site for a period and then the Travellers moved on.

The Chair Councillor McPeake stated that such issues would be addressed through the working group.

Councillor Reid stated he too had attended the meeting at Ballyronan and shared that when the NIHE had been asked about the place shaping report they had advised it was a province wide project that could take up to five years.

The Director of Business and Communities expressed caution in relation to Councillor Kearney's proposal reminding Members of Standing order number 24 *Rescission of a preceding resolution*. He requested that Members recall a decision taken by Council on 26 April 2018 to include Traad in the Scoping Study and if it was Councils desire to change that decision the appropriate exercise to rescind the resolution must be carried out. Members noted that 15% of the Members (six) must sign the notice and as this had not occurred Councillor Kearney's proposal would not be within due process.

Councillor Kearney reluctantly withdrew proposal two.

In response to Councillor Wilson's question the Director of Business and Communities advised he was not in the position to give clarity on the legality of the process and that he would need to confer with the council solicitor

Councillor McLean sought clarity as to whether the Director of Public Health and Infrastructure had advised that the process was to be suspended.

Councillor McGinley reiterated his proposal.

Councillor Wilson stated that his proposal would not change the previous resolution and reiterated his proposal.

The Chair, Councillor McPeake called for a vote on Councillor McGinley's Proposal one:

That Council continue to progress the ongoing scoping study in relation to identification of potential sites for traveller provision but do not progress feasibility studies on any of these sites until the Northern Ireland Housing Executive furnish Council with a formal report regarding Travellers Needs Assessment.

For	18
Against	12
Abstained	4

The Chair, Councillor McPeake called for a vote on Councillor Wilson's proposal three

That Council halt the scoping exercise and associated actions until it was in receipt of the formal report regarding Travellers Needs Assessment from the NIHE.

For 12
Against 18
Abstained 4

The Chair, Councillor McPeake declared Councillor McGinley's proposal carried.

Proposed by Councillor McGinley
Seconded by Councillor Bateson and

Resolved That Council continue to progress the ongoing scoping study in relation to identification of potential sites for traveller provision but do not progress feasibility studies on any of these sites until the Northern Ireland Housing Executive furnish Council with a formal report regarding Travellers Needs Assessment.

Proposed by Councillor McGinley
Seconded by Councillor B McGuigan and

Resolved: That the Minutes of the Meeting of the Special Council held on Monday 9 July 2018 (SC16/18 – SC20/18) transacted in Open Business having been printed and circulated were considered and adopted.

C168/18 Conferences, Seminars & Training

The Head of Democratic Services 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 Training Requests

- Diploma in Irish Language, University of Ulster (Cookstown)
2 year course commencing September 2018
Cost £911 per year plus one residential at an additional of £60-£100, plus travel and subsistence
Councillor McGinley to attend.

(ii) Officer Approvals

Conference & Seminar	Date	No. of Attendees	Location	Attendance (Yes/ No)
Next Steps for Apprenticeships	30/8/18	1 – Officer	London	Yes

Local Government Commercialisation : Generating Income To Support More Effective Public Services	06/03/19	2 Officers	London	Yes
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Proposed by Councillor S McGuigan
Seconded by Councillor Gillespie and

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

C169/18 Consideration of Requests for Civic Recognition

The Head of Democratic Services referred Members to the previously circulated report and sought approval for requests for civic recognition from Members, in line with revised policy. He advised Members that the report had been updated to include an additional recommendation for Father Rocks in Cookstown as due to an administrative error the request had been omitted from the initial report.

Proposed by Councillor McNamee
Seconded by Councillor B McGuigan and

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

C170/18 Muldoon Carpark, Moortown

Councillor McGinley advised he had been speaking to residents at Moortown and requested that Council set up a meeting to investigate the possibility of incorporating Muldoon Car Park site into the current Council led LAG project.

Proposed by Councillor McGinley
Seconded by Councillor Bateson and

Resolved That Council set up a meeting to investigate the possibility of incorporating Muldoon Car Park site into the current Council led LAG project.

Matters for Information

C171/18 Consultations Notified to Mid Ulster District Council

The previously circulated report providing an update on consultations notified to Mid Ulster District Council since the last meeting of Council was presented to the meeting.

Resolved That Council note the consultations within the Consultations Report

C172/18 Correspondence to Council – July 2018

The previously circulated report to update the Council on correspondence received from three organisations was presented to Council, from:

- Minerals & Petroleum Branch, Department for the Economy;
- Two letters from Chief Executive, Derry City & Strabane District Council

Councillor Montieth drew attention to the letter received from Derry City & Strabane District Council seeking support for their notice of motion relating to the Joint Marie Curie and Motor Neurone Disease Association campaign highlighting deep concern about the impact of the current definition of terminal illness used for eligibility for benefits including Personal Independence Payments (PIP) in Northern Ireland.

Councillor Monteith expressed concern in the current process stating that it was both degrading and distressing for people who have to engage in the process and thus it was important that Council support the motion.

Proposed by Councillor B Monteith

Seconded by Councillor B McGuigan and

Resolved That Council

- (i) support Derry City and Strabane District Council motion as undernoted

“That Council Support the Joint Marie Curie and Motor Neurone Disease Association campaign highlighting deep concern about the impact of the current definition of terminal illness used for eligibility for benefits including Personal Independence Payments (PIP) in Northern Ireland. Council notes that PIP has special rules for applicants with terminal illnesses, which allows people to access payment quicker and without a face-to-face assessment. However, this avenue is only open to those who have been given a prognosis of six months or less. This restriction is unfairly excluding many people with terminal illnesses, including those with Motor Neurone Disease (MND), chronic heart failure and COPD, as they fail to access PIP under the special rules, meaning they have to wait much longer for their payments and undergo face-to-face assessments. Council affirms that this is unfair and denies people the best quality of life during the time they have left and calls on the Secretary of State for Northern Ireland to follow the lead of the Scottish government and implement the call from Marie Curie and the MND Association for a fairer definition of terminal illness that is based on clinical judgement and patient need, not a time-restricted estimation of life expectancy.”

- (ii) Council note correspondence received.

The public and press left the meeting at 7.45 pm

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

Proposed by Councillor Gildernew
Seconded by Councillor Mallaghan and

Resolved: That items C173/18 – C185/18 be taken as confidential business.

Matters for Decision

- (i) Minutes taken as confidential business at the Special Planning Committee (Development Plan) meeting held on 20 June 2018
- (ii) Minutes taken as confidential business at the Council meeting held on Thursday 28 June 2018
- (iii) Minutes taken as confidential business at the Environment Committee held on Monday 2 July 2018
- (iv) Minutes taken as confidential business at the Planning Committee held on Tuesday 3 July 2018
- (v) Minutes taken as confidential business at the Development Committee held on Wednesday 4 July 2018
- (vi) Minutes taken as confidential business at the Policy and Resources Committee held on Thursday 5 July 2018
- (vii) Minutes taken as confidential business at the Audit Committee held on Tuesday 17 July 2018
- (viii) Contract for Final Capping Works at Magheraglass Landfill Site
- (ix) Village Schemes – Benburb, Castlecaufield, Gulladuff and Newmills
- (x) Village Programme – Maghera Walkway
- (xi) Document for Sealing:- Contract for the Purchase of Unit 2, Railway Yard, Cookstown
- (xii) Document for Sealing:- Boundary Rectification Deed of Transfer and Agreement between Rainey Old Boys Rugby Club and Mid Ulster District Council
- (xiii) Document for Sealing:- Gas to the West – Option Agreement with SGN re Railway Park

C186/18 Duration of Meeting

The meeting was called for 7pm and ended at 8pm

CHAIR _____

DATE _____

Minutes of Meeting of Planning Committee of Mid Ulster District Council held on Tuesday 7 August 2018 in Council Offices, Ballyronan Road, Magherafelt

Members Present

Councillor Glasgow, Chair

Councillors Bateson, Bell, Clarke, Cuthbertson, Gildernew, Kearney, McAleer (7.06 pm), McEldowney, McKinney, McPeake, Mullen, Robinson,

Officers in Attendance

Dr Boomer, Planning Manager
Mr Bowman, Head of Development Management
Ms Doyle, Senior Planning Officer
Ms Kearney, Senior Planning Officer
Mr Marrion, Senior Planning Officer
Mr McCrystal, Senior Planning Officer
Ms McNally, Council Solicitor
Ms Grogan, Democratic Services Officer

Others in Attendance

Councillor B McGuigan

The meeting commenced at 7 pm.

P102/18 Apologies

Councillors Mallaghan and Reid.

P103/18 Declarations of Interest

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

P104/18 Chair's Business

The Chair advised that he had no issues.

The Planning Manager updated members on Planning Performance Statistics for 2017/18 which came out at the end of June. He advised that the number of planning applications received overall in Northern Ireland was 12,770, a decrease of 1% on last year. He said that four of the eleven Councils received more local applications compared to the previous year with Mid Ulster and advised that 1415 planning applications were received and that Mid Ulster was the third highest in Northern Ireland after Belfast City and Newry, Mourne and Down.

He advised that the NI approval rate for all planning applications was 94%, similar to the rate last year and approval rates varied across Councils in 2017/18 and was pleased to advise that Mid Ulster District Council came out on top with 97.8%. In

referring to applications decided by Council, Mid Ulster came third highest achieving 1,200.

The Planning Manager stated that he was pleased to advise that the processing time of local applications for Mid Ulster was 14.4 weeks above the Northern Ireland average of 15.2 weeks.

He advised that Mid Ulster was also processing its enforcement cases in line with regional targets.

However, he was concerned that since the start of 2018 Performance had dipped and his own records showed that we were falling short of the 50% to around 35% for deciding local applications. He stated that this was due to unforeseen circumstances such as maternity leave, car accidents, staffing resources amongst other factors and that he was trying to make the best of the staffing resources that there was by moving staff around from Development Plan to Development Management and bringing on board additional members of staff.

Councillor McAleer entered the meeting at 7.06 pm.

Councillor Clarke, enquired if Mid Ulster were still in the same situation regarding pro-rata funding from Government.

The Planning Manager stated that Mid Ulster got a raw deal from Government as Antrim & Newtownabbey get funding of around £1 million to deal with little applications and Mid Ulster were allocated £400k. He said that Mid Ulster had to bring money in from planning fees and were in a fortunate position due to the high number of applications and this was why government says that this is justified. He said if there were a huge reduction of applications received this would result in implications for the Planning Department.

Proposed by Councillor Clarke
Seconded by Councillor Gildernew and

P105/18 Planning Applications for Determination

The Planning Manager advised that the following planning applications would be deferred for an office meeting/withdrawn/submission of further information:

- LA09/2017/0541/O – Site for dwelling and garage 120m SE of 129 Ballynease Road, Portglenone for Mr Richard Mulholland – deferred for an office meeting
- LA09/2017/0968/F – Replacement storey and a half dwelling 10 Minterburn Road, Caledon for Mrs M Murphy – deferred for an office meeting with applicant and agent
- LA09/2017/1371/O – 2 storey dwelling and garage/store at 130m S of 38 Tirgan Road, Tirgan, Moneymore for Mr Declan Connery – deferred for an office meeting

- LA09/2017/1484/O – Infill dwelling and garage at land to the rear of 42 Agharan Road, Dungannon for Mr Paul McQuaid – withdrawn
- LA09/2018/0367/O – Dwelling and domestic garage 174m SSE of 11 Fallylea Road, Maghera for Mr Charlie Convery – deferred for an office meeting
- LA09/2018/0423/O – Site for infill dwellings adjacent to 30a Forgetown Road, Maghera for Mr Andrew McCrory – deferred until submission of further information
- LA09/2018/0454/F – Retention of mobile home for residential use of 170m N of 5 Doon Avenue, Aughamullen, Dungannon for Mr Martin McCaliskey – deferred for an office meeting
- LA09/2018/0495/O – 2 storey infill dwelling and garage at site adjacent to 22 Carnaman Road, Gulladuff for Mr Liam Duggan – deferred for an office meeting.

Councillor McPeake declared an interest in application LA09/2018/0495/O.

Proposed by Councillor Clarke
Seconded by Councillor Gildernew and

Resolved: That the above list of planning applications be deferred for an office meeting/ withdrawn or waiting on submission of further information and removed from tonight's list for consideration.

Matters for Decision

H/2014/0024/F 4 dwellings, access and adoptable road at 1 Loves Road, Magherafelt for Mr and Mrs McCann

The Head of Development Management presented a report on planning application H/2014/0024/F advising that it was recommended for refusal.

In response to a query, the Planning Manager advised that there was an existing house on the site and that the developer was trying to cram houses around it. He said that there was a need for them to demonstrate how this could be achieved through liaising with the planning department and felt that a favourable outcome could be achieved if worked upon. He stated that the developer had applied for 4 dwellings and it was unclear what was going to happen, as the house numbers were not consistent with spaces in between numbers, which could be seen as spaces for additional 2 dwellings.

In response to a query, the Head of Development Management advised that the site would be highly screened as it came close to high trees and hedges etc.

The Planning Manager advised that there was an onus on the Planners to approve something, which is within the character of the area.

Proposed by Councillor Glasgow
Seconded by Councillor McKinney and

Resolved: That planning application H/2014/0024/F be refused.

Councillor McKinney stated that it was disappointing that there was no representation here tonight to speak on behalf of the application and no willingness by the developer to work with the planning department.

LA09/2017/0487/F Multi-Sports and Community Hub, to include playing and training pitches, all weather skills training area multi sports games area, bowling green, tennis courts, allotment plots area, sensory garden, walking track and associated lighting and car parking at 93 Washingbay Road, Coalisland for Clonoe Rural Development Agency Ltd

Members considered previously circulated report on planning application LA09/2017/0487/F which was recommended for approval.

Proposed by Councillor McPeake
Seconded by Councillor Gildernew and

Resolved: That planning application LA09/2017/0487/F be approved subject to conditions as per the officer's report.

LA09/2017/0541/O Site for dwelling and domestic garage at 12m SE of 129 Ballynease Road, Portglenone for Richard Mulholland

Resolved: That planning application LA09/2017/0541/O be deferred for an office meeting.

LA09/2017/0713/F 3 dwellings, site road and associated siteworks at lands adjacent to and E of 100 Killyliss Road, Eglish for Mr L Cassidy

Members considered previously circulated report on planning application LA09/2017/0713/F which was recommended for approval.

Proposed by Councillor McAleer
Seconded by Councillor Gildernew and

Resolved: That planning application LA09/2017/0713/F be approved subject to conditions as per the officer's report.

LA09/2017/0968/F Replacement storey and a half dwelling at 10 Minterburn Road, Caledon for Mrs M Murphy

Mr Marrion, SPO presented a report on planning application LA09/2017/0968/F advising that it was recommended for refusal.

Councillor McPeake enquired how much square footage would be required for an average size family home as previously people were looking to increase the size of the dwelling from a small cottage.

The Planning Manager advised that the average size of a family home would be in the region of 150 square metres for a 4 bedroom home. He said that the issue wasn't about the size of the dwelling but rather how close a proposed site was to the neighbouring land, but felt that issues could be addressed easily if the applicant and agent were willing to liaise with the planners.

Councillor Gildernew said that in his opinion the way the dwelling was positioned and caked in, it was unique in character and would propose that the application be deferred until further investigation were carried out. He said that it was disappointing that there was no representation here tonight for members to have further information on the proposed application.

The Planning Manager said as it was holiday season and people could be away he would be content deferring the application for an office meeting, issuing letters to both the applicant and agent inviting them to attend.

Proposed by Councillor Gildernew
Seconded by Councillor Bell and

Resolved: That planning application LA09/2017/0968/F be deferred for an office meeting, with a letter being issued to both the applicant and agent inviting them to attend.

LA09/2017/1371/O 2 storey dwelling and garage/store at 130m S of 38 Tirgan Road, Tirgan, Moneymore for Mr Declan Connery

Resolved: That planning application LA09/2017/1371/O be deferred for an office meeting.

LA09/2017/1484/O Infill dwelling and garage at land to the rear of 42 Agharan Road, Dungannon for Mr Paul McQuaid

Resolved: That planning application LA09/2017/01484/O be withdrawn.

LA09/2018/0367/O Dwelling and domestic garage, 174m SSE of 11 Fallylea Road, Maghera for Mr Charlie Convery

Resolved: That planning application LA09/2018/0367/O be deferred for an office meeting.

LA09/2018/0423/O Site for 2 infill dwellings adjacent to 30a Forgetown Road, Maghera for Mr Andrew McCrory

Resolved: That planning application LA09/2018/0423/O be deferred until further information is submitted.

LA09/2018/0433/O Infill dwelling and garage 70m SE of 30 Tamlaghtduff Park, Tamlaghtduff, Bellaghy for Alfred Corckett

Mr McCrystal, SPO presented a report on planning application LA09/2018/0433/O advising that it was recommended for refusal.

Councillor Cuthbertson said that he would be happy to accept the officer recommendation to refuse the application.

In response to a query regarding the definition of a settlement, the Planning Manager said that it was defined as a place, which had previously been uninhabited, where people had an opportunity to expand their community into a cluster to include a focal point like a crossroads or a shop etc, and this what was being done on the area plan.

Councillor McPeake enquired what the failing was on the infill criteria as there were 2 dwellings on the north side.

The Planning Manager said that it was set back in the distance and if the site was further up the road that this could make a difference on what was being protected and where the cluster came in.

Proposed by Councillor Cuthbertson
Seconded by Councillor Robinson and

Resolved: That planning application LA09/2018/0433/O be refused.

LA09/2018/0454/F Retention of a mobile home for residential use at Approx 170m N of 5 Doon Avenue, Aughamullan, Dungannon for Martin McCaliskey

Resolved: That planning application LA09/2018/0454/F be deferred for an office meeting.

LA09/2018/0495/O 2 storey infill dwelling and garage at site adjacent to 22 Carnaman Road, Gulladuff for Liam Duggan

Councillor McPeake declared an interest in application LA09/2018/0495/O.

Resolved: That planning application LA09/2018/0495/O be deferred for an office meeting.

LA09/2018/0506/O Replacement dwelling and garage 145m SE of 16 Creevagh Road, Cookstown for Rodney Black

Members considered previously circulated report on planning application LA09/2018/0506/O which was recommended for approval.

Proposed by Councillor McKinney
Seconded by Councillor Robinson and

Resolved: That planning application LA09/2018/0506/O be approved subject to conditions as per the officer's report.

LA09/2018/0539/F Dwelling and domestic garage at 81a Killeeshill Road, Dungannon (100m W of St Paul's Church, Farriter Road, Dungannon) for Conor Holland & Maeve McKenna

Members considered previously circulated report on planning application LA09/2018/0539/F which was recommended for approval.

Proposed by Councillor Gildernew
Seconded by Councillor McAleer and

Resolved: That planning application LA09/2018/0539/F be approved subject to conditions as per the officer's report.

CONFIDENTIAL BUSINESS

Proposed by Councillor Robinson
Seconded by Councillor Clarke and

Resolved That planning application LA09/2016/1550/F be heard as confidential business.

OPEN BUSINESS

Proposed by Councillor Robinson
Seconded by Councillor McKinney and

Resolved: To resume Open Business.

LA09/2017/1158/O Site for dwelling to the rear of 5 Ballynorthland Demesne, access of Moy Road, Dungannon for Mr Keith Burgess

Members considered previously circulated report on planning application LA09/2017/1158/O which was recommended for approval.

Proposed by Councillor McKinney
Seconded by Councillor Robinson and

Resolved: That planning application LA09/2017/1158/O be approved subject to conditions as per the officer's report.

LA09/2018/0439/F Relocation and change of house type to previously approved I/2014/0016/RM (amended siting), SE of 34a Annaghmore Road, Coagh for John Quinn

Members considered previously circulated report on planning application LA09/2018/0439/F which was recommended for approval.

Proposed by Councillor Robinson
Seconded by Councillor Bell and

Resolved: That planning application LA09/2018/0439/F be approved subject to conditions as per the officer's report.

Matters for Information

P106/18 Minutes of Planning Committee held on 3 July 2018

Members noted minutes of Planning Committee held on Tuesday 3rd July 2018.

Local Government (NI) Act 2014 – Confidential Business

Proposed by Councillor Kearney
Seconded by Councillor Gildernew 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 P107/18 to

Matters for Decision

LA09/2016/1550/F Dwelling with disability adaptations 200m NE of 159 Tullyvar Road for Mr Raymond Gilmour
P107/18 Receive Enforcement Reports

Matters for Information

P108/18 Confidential Minutes of Planning Committee held on Tuesday 3 July 2018
P109/18 Enforcement Cases Opened
P110/18 Enforcement Cases Closed

P111/18 Duration of Meeting

The meeting was called for 7 pm and concluded at 7.47 pm.

Chair _____

Date _____



ADDENDUM TO PLANNING COMMITTEE AGENDA

FOR PLANNING COMMITTEE MEETING ON: 7th August 2018

Chairs Business:

Additional information has been received on the following items since the agenda was issued.

ITEM	INFORMATION RECEIVED	ACTION REQUIRED
4.8	Amendment to the first reason for refusal: The proposal is contrary to Policies CTY1, CTY10 and CTY 13 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposed new building is not visually linked or sited to cluster with an established group of buildings on the farm.	Members to note

Report on	Referral from Planning Committee of a Planning Application for 2No. additional broiler poultry sheds (to contain in total 74000 broilers taking the total farm capacity to 148000 broilers) with 4No. feed bins ,2No gas tanks, biomass boiler shed and pellet bin, ancillary building and proposed cattle shed with underground slurry tank (to contain 80 beef cattle) new covered silage pit, covered yard area and general farm storage building at 300m North West and 100msouth west of 27 Terryscollop Road Annagh Dungannon for CAP Farms Ltd.
Reporting Officer	Phelim Marrion
Contact Officer	Dr Chris Boomer

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 members agreement to grant planning permission for this development.
2.0	Background
2.1	CAP Farms Ltd submitted a planning application for the above mentioned development at the above mentioned location on 10 th July 2017. The application falls under the category of a Major Planning Application. During the processing of the planning application Northern Ireland Environment Agency (NIEA) responded to a statutory consultation objecting to the proposed development in relation to ammonia levels and the impacts this will have on Areas of Special Scientific Interest. The application was then subject to notification to the Department for Infrastructure who directed the Council to hold a Pre Determination Hearing. A Pre Determination Hearing was held on 5 th June 2018 where it was resolved that the application is referred to the Full Council for Ratification of the Planning Committees recommendation to approve planning permission.

3.0	Main Report
3.1	Members are referred to the Pre- Determination Report that is appended to this report for further information on how the planning application has been considered by the Planning Committee.
3.2	Representatives from and applicants and NIEA were invited to the Pre Determination Hearing on 5 th June 2018 to allow them to provide information to the members of the Planning Committee to allow them to consider the issues of contention with the application. No one from NIEA attended the meeting and instead provided an email to advise 'it's likely we will remove our objection' and this was relayed to the members of the Planning Committee.
3.3	NIEA provided a response to the planning application on 6 th June 2018, the day after the Planning Committee Meeting, requesting additional information to allow them to consider the impacts of the proposal. NIEA advise the council should consider the impacts of unauthorised development and the impacts of 80 cattle grazing on the Areas of Special Scientific Interest (ASSI's)
3.4	The Planning Department emailed NIEA and explained they had the opportunity to attend the Pre Determination Hearing on the 5 th June 2018 and did not take this opportunity to appear before the Planning Committee. They were further advised that information presented by the applicant indicates the levels of ammonia affecting the ASSI's, even with this proposed development, will be less now than in 2010 and that no evidence has been presented by NIEA to show those higher levels had a detrimental impact on the ASSI's. NIEA were given a clear indication the Planning Committee had resolved to present this application to the full Council on 23 rd August 2018 to ratify its recommendation to approve planning permission unless they provide evidence of a demonstrable adverse impact on the ASSI's. NIEA were also asked to explain how the ASSI's would be damaged by this development given that in 2010 they were subject to significantly higher levels of ammonia.
3.5	Members are advised NIEA have not provided any response to the most recent correspondence and there is no evidence before the Council to illustrate that the proposed development will harm the integrity of the ASSI's.
4.0	Other Considerations
4.1	<p><u>Financial & Human Resources Implications</u></p> <p>Financial: not relevant</p> <p>Human: no information available that there would be any implications</p>
4.2	<p><u>Equality and Good Relations Implications</u></p> <p><u>Not anticipated</u></p>
4.3	<p><u>Risk Management Implications</u></p> <p>N/A</p>

5.0	Recommendation(s)
5.1	That members ratify the Planning Committees recommendation to approve planning permission.
6.0	Documents Attached & References
6.1	Pre Determination Hearing Report, extract from Planning Committee Minutes for Meeting held 5 th June 2018



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Mid-Ulster
Local Planning Office
Mid-Ulster Council Offices
50 Ballyronan Road
Magherafelt
BT45 6EN

Pre Determination Hearing Report

Summary	
Committee Meeting Date: 5 th June 2018	Item Number:
Application ID: LA09/2017/0936/F	Target Date:
Proposal: Proposed 2No. additional broiler poultry sheds (to contain in total 74000 broilers taking the total farm capacity to 148000 broilers) with 4No. feed bins ,2No gas tanks, biomass boiler shed and pellet bin, ancillary building and proposed cattle shed with underground slurry tank (to contain 80 beef cattle) new covered silage pit, covered yard area and general farm storage building	Location: Lands approx. 300m North West and 100msouth west of 27 Terryscollop Road Annagh Dungannon
Summary: This is a Major application which has been recommended to Committee for approval, it is likely to have an affect on Areas of Special Scientific Interest and is subject to objection from Natural Environment Division, Department of Agriculture, Environment and Rural Affairs (DAERA). This application was brought before the Committee on 8 th January 2018 and it was resolved to approve the development subject to notification to the Department for Infrastructure (DfI), as the legislation requires. Following notification the DfI, by way of a letter dated 14 th February 2018, directed that the Council do not grant planning permission for this application (Appendix 1 of this report). Subsequently DfI, by way of a letter dated 1 st March 2018 informed the Council that it does not intend to determine the application and that the Council should continue to process the application. DfI has advised the Council that it should hold a Pre-Determination Hearing before taking a decision. Further iDfI acknowledged that NIEA did not respond to the Councils requests for information in relation to concerns it had about the development. DfI have provided NIEA concerns and have asked that these are considered as well as the cumulative impact of the proposed and existing development in any report. This is detailed in the report.	
Applicant Name and Address: CAP Farms Ltd 27 Terryscollop Road Annagh Dungannon	Agent Name and Address: Henry Marshall Brown Architectural Partnership 10 Union Street Cookstown BT80 8NN

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	Transport NI - Enniskillen Office	Advice
Statutory	NIEA	Nitrogen levels exceed critical loads
Statutory	Historic Environment Division (HED)	Content
Statutory	DAERA - Omagh	Advice
Non Statutory	Environmental Health Mid Ulster Council	Substantive Response Received
Non Statutory	Shared Environmental Services	Substantive Response Received
Statutory	Rivers Agency	Advice
Statutory	Transport NI - Enniskillen Office	Advice

Representations:	
Letters of Support	None Received
Letters of Objection	None Received
Number of Support Petitions and signatures	No Petitions Received
Number of Petitions of Objection and signatures	No Petitions Received
Summary of Issues NIEA have advised they require information about the impacts of the existing buildings.	
Characteristics of the Site and Area This is a working farm located in the rural area south of the village of Eglish. There are a number of existing cattle houses and agricultural buildings located beside the farm house on a hilltop position. The existing buildings are a mixture of older corrugated iron buildings and newer buildings with cladding. There is an existing concrete yard with 2m high walls located beside the existing cattle shed and silage pit. 2 poultry units are located on lower land to the NW of the main farm group, these are accessed off an existing private lane in a larger agricultural field which slopes towards the south west. The surrounding area is undulating drumlin landscape with small farm groups, poultry buildings and single houses.	
Description of Proposal The proposal involves the extension of the existing buildings to accommodate a total of 80 cows and 2 poultry units to allow housing of 74000 broilers. The extensions are to provide: <ol style="list-style-type: none"> 1) 27m x 17m building with an 8m high pitched roof over the existing concrete yard, 2) removal of the existing lean-to over the cattle pens and extension over an existing tank and extension of the tank, to create a 30m x 29m building with a 6.6m pitched roof to create an additional 12 cattle pens the building and 3) 27m x 29m building with a 11m high pitched roof over a general farm storage building and silage pit. All the buildings will have grey cladding to the upper walls and roofs and concrete to the lower walls. The proposed poultry houses are 98m x 21m with a ridge height of 6.6m, the buildings are linked on the frontage with a 6m x 6.5m building which has a 4m ridge height, behind this is 8.9m high silo for wood pellets to feed a biomass boiler contained in a 10m x 4m building that is 4m high. It is also proposed to provide 4 additional feed silos of 8.9m high and a 7m x 6m x 4m high ancillary building beside a retaining structure for the ramped vehicular access between the existing and the proposed buildings The plans also show underground storage tanks for dirty water out of the poultry units, swales to provide rain water attenuation and native species landscaping around the buildings.	
Planning Assessment of Policy and Other Material Considerations Dungannon & South Tyrone Area Plan Planning acknowledges that agriculture is an important use in the area. It does not have any policies in relation to this application but it	

identifies the site within the rural area where Planning Policy Statement 21 – Sustainable Development in the Countryside provides the policy considerations.

The Strategic Planning Policy Statement re-states the policies contained in **PPS21**, and I consider the most appropriate policy for consideration is CTY 12 which sets out criteria that allows planning permission to be granted for agricultural development subject to consideration of the status of the farm business; its impacts on the locality, neighbouring residents, natural and built heritage. Members should note the Ministers Review into the Operation of Planning Policy Statement 21 recognised there would be a significant number of planning applications for poultry houses to supply the agri-food sector. It does not provide any policy guidance but it does clearly recognise this industry is a key economic driver for the rural economy which I consider is supportive of this type of development.

The proposed development is an expansion of an existing active and established farm and the buildings are sited beside the existing buildings, are similar in size, scale and appearance to some of the existing buildings on the site and I consider the development to be appropriate to the location. The existing vegetation around the site, existing buildings on the site, topography of the landscape along with the additional landscaping proposed around the buildings will, in my view, assist the integration of the buildings into the landscape especially the cattle houses which have critical but limited views from the minor road network to the south and east. The poultry units will be seen in fleeting views from the Eglish Road, these are seen with a backdrop of rising ground and the existing units, again I consider the proposed landscaping will assist screening of these new buildings.

Members should note the expansion of the cattle houses is close to an historic monument, a rath. Historic Environment Division have been consulted and do not have any concerns with impacts from the proposed development on any historic features.

An Environmental Statement was submitted with the application which addressed noise, air quality and odour, the ecology, the water environment, transport, socio-economic impacts and waste disposal and nitrates management. The statutory agencies, except NIEA-NED have not objected to this development, provided some conditions to mitigate against possible environmental effects are attached to any planning permission. NIEA – Industrial pollution and Radiochemical Inspectorate have advised this site is the subject of a Pollution Prevention and Control Permit and it will need to be amended to take account of the new building. This is a separate regulatory regime to the Planning system. Environmental Health officers have advised the reports have indicated there will be no significant adverse impacts on sensitive dwellings from odour or noise.

PPS2 – Natural Heritage, Northern Ireland Environment Agency – NED have considered the proposed development in relation to nitrogen emission impacts on Benburb ASSI, Benburb & Mulltown ASSI, Knocknacloy ASSI and Rehaghy Wood ASSI. NIEA have advised, in a response that was only forthcoming following the notification to DfI, the nitrogen critical loads in the area exceed the upper critical level, an example for Knocknacloy ASSI, a mountain hay meadows habitat has been provided. NIEA also advised the proposal must take account of the loads from the existing development as well as the proposed development and that the existing cattle sheds have not been taken into account. The Environmental Statement submitted with the application sets out the background levels for ammonia levels measured in 2010 – 2012 and have been used to consider the proposal and the impacts from it on Rehaghy Wood, Knocknacloy and Benburb. The background levels have been calculated on the basis of the average of actual measured data over a 3 year period. Council has been advised by the consultants acting for the applicant in this matter, the background levels include the existing cattle sheds and as such they have been considered within the overall assessment of the impacts. Following notification to DfI, and the receipt of the NIEA response setting out the levels, the consultant provided revised ammonia concentration levels on 5 March 2018, these are for 2014-2016. It is notable that the most recent background levels are lower than in the original assessment, despite the 2 poultry units on the farm being constructed and contributing to these levels. NIEA were consulted with these revised figures on 4th April 2018 and have not provided any analysis or consideration of

the figures, they state ‘ there are significant challenges for the Department in considering agricultural expansion and development in areas where the critical loads of nitrogen deposition are already exceeded.’. They have not provided any response or analysis of the significance of these figures or advice on the validity of the figures or possible reasons for this reduction in the levels. Members are advised the environmental statement and the updated figures for ammonia levels acknowledge the critical loads still exceed the Predicted Environmental Concentration Guidelines, however the levels have fallen in the most recent figures and the impacts from this development and the existing buildings on the farm is assessed as having a less than 1% contribution to the overall levels of ammonia. Members should be aware that a consultee must provide evidence or substantiate any concerns they may have about a development, in this case NIEA are relying on figures that show the levels of ammonia are in exceedance of the guidelines. This is accepted by the applicants, however the applicants have provided information that shows they have assessed the cumulative impact of the proposed development and the existing development and the overall operations account for less than 1% of the ammonia figures. In view of this limited increase, on levels that are shown to be falling, I consider it is reasonable to deduce the application has been shown not to have a significant impact on the levels and as such will have a limited impact on the sites identified.

Shared Environmental Service have advised the potential impact of this proposal on Special Protection Areas, Special Areas of Conservation and Ramsar sites has been assessed in accordance with the requirements of Regulation 43(1) of the Conservation (Natural Habitat, etc) Regulations (NI) 1995 (as amended). The proposal would not be likely to have a significant effect on the features of any European site. In light of this I am content the proposal meets with policies contained in PPS2.

PPS3 – Access, Movement and Parking, TNI consider the access point, where it meets the minor road is sub-standard as the existing visibility splays are not adequate. A proposed improvements to the access is acceptable provided it is carried out prior to the commencement of development and I consider it is reasonable to condition the provision of these improvements.

PPS15 – Planning and Flood Risk, due to the size of the proposed development, policy FLD3 places a requirement for a drainage assessment to be carried out to demonstrate adequate measures are put in place to mitigate against flooding. The proposal includes a storm water attenuation system which DARD (NI) Rivers Agency accepts and have they not offered any objections to the proposal. I am content a condition requiring the provision of the flood attenuation scheme is required to ensure this is provided.

Having carefully considered all of the above, I recommend the committee approve this development.

Neighbour Notification Checked

Yes

Summary of Recommendation:

Approval with conditions as set out in the report.

Conditions/Reasons for Refusal:

1. The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.

Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.

2. The vehicular access, including visibility splays of 2.4m x 33.0m and 33.0m forward sight line shall be provided in accordance with Drawing No 02 Rev 01 bearing the stamp dated 27 SEP 2017, prior to the commencement of any works or other development hereby permitted. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the levels of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

Reason: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users.

3. All hard and soft landscape works shall be carried out in accordance with the details as shown on drawing No 02 Rev 1 bearing the stamp dated 27 SEP 2017 and the appropriate British Standard or other recognised Codes of Practice. The landscaping shown around the new cattle houses shall be carried out prior to any of the cattle houses becoming operational and the landscaping around the new poultry houses shall be carried out prior to any of the poultry houses becoming operational. Any tree, shrub or other plant identified in the landscaping scheme dying with 5 years of planting shall be replaced in the same position with a plant of a similar size and species.

REASON: To ensure the provision, establishment and maintenance of a high standard of landscape.

4. Prior to the construction of any of the poultry buildings or laying of any concrete surfaces associated with the poultry units, the storm water drainage run and swale located beside the poultry buildings as detailed on drawing no 02 REV 1 bearing the stamp dated 27 SEP 2017 shall be provided as detailed.

Reason: To attenuate the storm water from the site and reduce the risk of flooding.

5. Prior to the construction of any of the cattle houses or laying of any concrete surfaces associated with the cattle houses, the storm water drainage run and swale located beside the cattle houses as detailed on drawing no 02 REV 1 bearing the stamp dated 27 SEP 2017 shall be provided as detailed.

Reason: To attenuate the storm water from the site and reduce the risk of flooding.

6. Prior to the poultry houses hereby approved becoming operational the washings tank shown on drawing no 02 REV 1 bearing the stamp dated 27 SEP 2017 shall be provided with no overflow or outfall permitted to the adjoining waterways. All dirty water generated on this site by these buildings must be collected in the tank.

Reason: To ensure there are no adverse impacts on the selection features of Lough Neagh ASSI and Lough Neagh and Lough Beg SPA.

Informatives

1. When making this decision the Council has taken into consideration environmental information within the terms of the Planning (Assessment of Environmental Effects) Regulations (Northern Ireland) 2015.

2. The applicant will be required to obtain a Pollution Prevention and Control (PPC) permit variation prior to first operating the expanded facility.

3. Your attention is drawn to Standing Advice Notes 12, 23, 4, 11, 5 and 18 published by NIEA and available to view of NI Planning Portal under NIEA Guidance.

Signature(s)

Date:

ANNEX	
Date Valid	7th July 2017
Date First Advertised	27th July 2017
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 25 Terryscollop Road,Annagh,Dungannon,Tyrone,BT71 7QQ	
Date of Last Neighbour Notification	26th July 2017
Date of EIA Determination	
ES Requested	Submitted
Planning History Ref ID: LA09/2017/0936/F Proposal: Proposed 2No. additional broiler poultry sheds (to contain in total 74000 broilers taking the total farm capacity to 148000 broilers) with 4No. feed bins ,2No gas tanks, biomass boiler shed and pellet bin, ancillary building and proposed cattle shed with underground slurry tank (to contain 80 beef cattle) new covered silage pit, covered yard area and general farm storage building Address: Lands approx. 300m North West and 100msouth west of 27 Terryscollop Road, Annagh, Dungannon, Decision: Decision Date: Ref ID: LA09/2017/0285/PAN Proposal: Proposed 2No. broiler poultry sheds with 4 feed bins 2No. gas tanks, office and changing building (to contain in total 74000 broilers, taking the total farm capacity to 148000 broiler birds) and proposed cattle shed with underground slurry tank (t0 contain 80 beef cattle). New covered silage pit, covered yard area and a general farm storage building. Address: Land approx. 300m NW and 100n SW of 27 Terryscollop Road Annagh, Dungannon, Decision: PANACC Decision Date: Ref ID: M/2006/0692/O Proposal: Dwelling & Garage	

Address: Land approx 50m NW of 27 Terryscollop Road, Dungannon

Decision:

Decision Date: 22.05.2007

Ref ID: M/2011/0073/F

Proposal: Proposed single storey extension to side of dwelling and 2 storey extension to rear with covered area on ground and bedroom above plus internal alterations

Address: 27 Terryscollop Road, Dungannon,

Decision:

Decision Date: 15.03.2011

Ref ID: M/1991/4027

Proposal: Alteration to Dwelling

Address: 27 TERRYSCALLOP ROAD, DUNGANNON.

Decision:

Decision Date:

Ref ID: M/2012/0340/F

Proposal: Proposed 2no. Select Farm Poultry Sheds, 4 no. feed bins and an ancillary building with biomass boiler, standby generator, office and changing facilities,(each poultry shed will contain 25850 chickens

Address: Land approx 300m North West of 27 Terryscallop Road, Dungannon,

Decision: MAA

Decision Date: 13.08.2012

Summary of Consultee Responses

NIEA – content with conditions,
unable to consider the impacts of the development on designated sites, nitrogen loads exceeded, requires consideration of the cumulative impacts if the existing and proposed development
will be subject to PPC

TNI – access improvements to be provided

EHO – no significant odour or noise impacts

SES – can be screened out for impacts on European sites

HED – content

DARD – active and established farm

Rivers –no reason to object on flooding or drainage perspective

Drawing Numbers and Title

Drawing No. 04
Type: Proposed Plans
Status: Submitted

Drawing No. 03
Type: Proposed Plans
Status: Submitted

Drawing No. 02 Rev 1
Type: Site Layout or Block Plan
Status: Submitted

Drawing No. 01
Type: Site Location Plan
Status: Submitted

Drawing No. 05
Type: Proposed Plans
Status: Submitted

Notification to Department (if relevant)

Date of Notification to Department: 23rd January 2018
Response of Department: 14th February 2018, 1st March 2018

APPENDIX 1 – Dfl correspondence

Minutes of Meeting of Planning Committee of Mid Ulster District Council held on Tuesday 5 June 2018 in Council Offices, Ballyronan Road, Magherafelt

Members Present	Councillor Mallaghan, Chair
	Councillors Bell, Clarke, Cuthbertson, Gildernew, Glasgow, Kearney, McAleer, McEldowney, McKinney, McPeake, Mullen (8.31 pm), Reid, Robinson, J Shiels
Officers in Attendance	Dr Boomer, Planning Manager Mr Bowman, Head of Development Management Ms Doyle, Senior Planning Officer Ms McKearney, Senior Planning Officer Mr Marrion, Senior Planning Officer Mr McCrystal, Senior Planning Officer Ms McNally, Council Solicitor Miss Thompson, Democratic Services Officer
Others in Attendance	Applicant Speakers LA09/2017/0936/F Mr McGill LA09/2016/0504/F Mr Arrell LA09/2017/0905/F Councillor Molloy Mr Smith LA09/2017/1244/O Mr Diamond LA09/2017/1474/O Mr Ross LA09/2017/1543/O Mr Nugent LA09/2017/0153/O Mr Henry Councillor McFlynn LA09/2018/0233/O Mr Gourley LA09/2018/0261/O Mr Marshall LA09/2015/0782/F Councillor B McGuigan

The meeting commenced at 7.05 pm

P075/18 Apologies

None.

P076/18 Declarations of Interest

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

Councillor Reid declared an interest in planning application LA09/2018/0153/O.

Councillor Glasgow declared an interest in planning application LA09/2017/0498/F.

P077/18 Chair's Business

The Chair, Councillor Mallaghan reminded Members that the new Planning Protocol had been agreed and was now in effect and asked Members to keep to the Planning Protocol.

The Chair advised that in respect of the following planning applications agents and applicants had been agreeable to consider amendments that could overcome concerns. The Chair proposed these applications be deferred for an office meeting / submission of further information –

LA09/2016/1513/F – Erection of a new store and 2 residential apartments to rear of existing premises at 2-4 Glen Road, Maghera for Mr Peter McKenna.

LA09/2016/1686/F – Community building and changing facilities for public shared space within existing fishery at lands approx. 80m NE of 41 Gorestown Road, Dungannon for Gorestown Lough Fishery Ltd.

LA09/2018/0439/F - Relocation and change of house type to previously approved application I/2014/0016/RM at SE of 34a Annaghmore Road, Coagh for John Quinn.

Proposed by Councillor J Shiels
Seconded by Councillor Bell and

Resolved That planning applications LA09/2016/1513/F, LA09/2016/1686/F be deferred for an office meeting and planning application LA09/2018/0439/F be deferred for submission of additional information.

The Chair further advised that planning application LA09/2017/1644/O had been withdrawn by the applicant.



Matters for Decision

P078/18 Pre Determination Hearing

LA09/2017/0936/F 2 additional broiler poultry sheds, 4 feed bins, 2 gas tanks, biomass boiler shed and pellet bin and ancillary building; cattle shed with underground slurry tank, covered silage pit, covered yard area and general farm storage building at lands approximately 300m NW and 100m SW of 27 Terryscollop Road, Annagh, Dungannon for CAP Farms Ltd

Mr Marrion presented previously circulated report on planning application LA09/2017/0936/F. Mr Marrion also highlighted correspondence with NIEA in respect of the Pre-Determination Hearing and their response advising they would not be in attendance tonight.

Councillor Gildernew asked if a specific reason had been given as to why NIEA would not attend tonight's meeting.

Mr Marrion advised that there did not appear to be a willingness by NIEA to attend tonight's meeting as they stated they had not yet fully considered the application and may or may not remove their objections

Councillor Clarke stated that it appeared NIEA did not want to get involved with this application but would sit back and watch what happens.

The Chair, Councillor Mallaghan invited the agent to speak now on the application or wait until the application was being considered again later in the meeting.

Mr McGill advised he agreed with the points made in the officer's report and stated that the application has come through vigorous consideration. Mr McGill advised that a lot of work has been done in relation to ammonia levels and these impacts have been found to be acceptable. Mr McGill advised that existing cattle sheds and poultry sheds have all been considered within the application and that he would support the recommendation to approve the application.

P079/18 Planning Applications for Determination

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

LA09/2016/0504/F Erection of garages for the storage of vintage cars (retrospective) at 39 Rocktown Road, Bellaghy for Mr David Arrell

Mr McCrystal presented a report on planning application LA09/2016/0504/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 Arrell to address the committee.

Mr Arrell stated he had been advised at the outset by enforcement to submit a planning application for the building and that this was done however a Certificate of Lawfulness should also have been submitted. When the Enforcement Notice was served Mr Arrell advised he could not withdraw the application and apply for a Certificate of Lawfulness and was advised to submit evidence that the building was finished more than five years prior to the Enforcement Notice taking effect. Mr Arrell stated that the building had been in place for more than five years and that he could provide receipts and an Affidavit proving this.

Mr Arrell also referred to concerns in relation to the size of the building but stated that this building was of a similar size to a number of original buildings which were replaced. Mr Arrell advised that this was an independent building fixed on top of an existing building, he stated that no objections had been received in relation to the application and asked that the application be approved.

Councillor Cuthbertson asked for the opinion of officers in relation to lack of objections from the neighbouring property and the receipts and legal documents proving the building had been completed more than five years prior to enforcement action.

Mr McCrystal advised that the neighbouring dwelling is not in the ownership of the applicant, is currently vacant and therefore had not been notified of the application. That being the case it is unclear whether the owner of the property is aware of the application however officers have considered the amenity of this dwelling within the report.

Mr McCrystal advised that Enforcement Notice was served on 22 March 2016 and to be lawful the building would have to have been completed five years prior. Mr McCrystal advised that receipts had been submitted for purchases/works done on 14 and 15 April 2011 which is slightly less than the required five years.

Councillor J Shiels felt there was no major difference in the size of this building to that of neighbouring sheds, the Councillor also referred to the photograph taken on 9 April 2011 in which it appeared works were substantially complete.

Councillor McAleer asked if any complaints had been received since 2011 in relation to the building.

Councillor McPeake felt the timescales in relation to this application were tight, the Councillor stated that there were no objections received in relation to the application and that the building was situated on a road which comes to a dead end and is not heavily trafficked.

Councillor Bell asked if it was possible for the applicant to provide proof that there was a substantial building originally on this site which had now been replaced with this building which has been described as being of a similar size.

Councillor McKinney stated that there was a short time period of difference between when the building is said to have been completed and enforcement period taking effect. The Councillor stated that in the seven years in between there had been no objections to the building apart from that of the Planning Department.

The Planning Manager stated it was not appropriate for Members to debate the legalities of what is or is not five years. He advised that the building is not lawful development and is in contravention of an Enforcement Notice. The Planning Manager stated that the photograph taken on 9 April 2011 seems to suggest that the ground floor building is in situ with a concrete roof on top. The Planning Manager stated that the building does impact on the neighbouring dwelling and that officers have a duty to consider amenity, he stated that no objections had been received however as the dwelling was currently vacant it was unclear whether the owner of the property was aware of the building. The Planning Manager stated that views and impact on the wider countryside area is limited.

Councillor McKinney proposed the approval of the planning application as the building is and has been in situ with no objections.

Councillor J Shiels seconded Councillor McKinney's proposal.

Resolved That planning application LA09/2016/0504/F be approved on the following basis –

- It was noted that the neighbouring building is vacant however no objections had been received.
- Design of building is not higher than other buildings in the area.
- Building is for domestic use – if used for business then enforcement action will be taken.
- There are limited views of the building in the area.

LA09/2016/0708/F **Change of house design to 13 sites previously approved under applications I/2006/1070 and I/2011/0308/F at lands immediately SE of the boundary of 9, 15, and 17 Edendoit Road, Pomeroy for Altmore Developments**

Members considered previously circulated report on planning application LA09/2016/0708/F which was recommended for approval.

Proposed by Councillor Clarke
Seconded by Councillor McKinney and

Resolved That planning application LA09/2016/0708/F be approved subject to conditions as per the officer's report.

LA09/2016/0834/F **Development of 16 no. semi-detached dwellings and domestic garages at lands adjacent to the Far Circular Road and Killyman Road junction, Dungannon for Donnelly Bros**

Members considered previously circulated report on planning application LA09/2016/0834/F which was recommended for approval.

Proposed by Councillor Gildernew
Seconded by Councillor McAleer and

Resolved That planning application LA09/2016/0834/F be approved subject to conditions as per the officer's report.

LA09/2016/0866/F **Removal of conditions 8 and 9 of I/1981/0218 at Tobermore Sand and Gravel Quarry, Ballybriest, Lough Fea, Cookstown for Tobermore Concrete Products Ltd**

Members considered previously circulated report on planning application LA09/2016/0866/F which was recommended for approval.

Proposed by Councillor McKinney
Seconded by Councillor Kearney and

Resolved That planning application LA09/2016/0866/F be approved subject to conditions as per the officer's report.

LA09/2016/0887/RM **5 no. detached dwellings and detached garages, car parking, landscaping, retaining walls and associated site works at lands to the NE of 3 Old Omagh Road, Ballygawley for Dr J Gormley**

Members considered previously circulated report on planning application LA09/2016/0887/RM which was recommended for approval.

Proposed by Councillor Bell
Seconded by Councillor McAleer and

Resolved That planning application LA09/2016/0887/RM be approved subject to conditions as per the officer's report.

LA09/2016/1060/F **Retention of mobile home, domestic modular building, storage area and associated works at lands approx. 100m NW of 24 Findermore Road, Tullynavert, Clogher for Mr Gerry McCaughey**

Members considered previously circulated report on planning application LA09/2016/1060/F which was recommended for approval.

Proposed by Councillor Gildernew
Seconded by Councillor McAleer and

Resolved That planning application LA09/2016/1060/F be approved subject to conditions as per the officer's report.

The Planning Manager stated that by approving this application there was no longer a need to consider enforcement action relating to this site later in the meeting.

LA09/2016/1513/F **Erection of a new store and 2 no. residential apartments to rear of existing premises at 2 – 4 Glen Road, Maghera for Mr Peter McKenna**

Application deferred for office meeting as agreed earlier in meeting.

LA09/2016/1686/F **Community building and changing facilities for public shared space within existing fishery at land approx. 80m NE of 41 Gorestown Road, Dungannon for Gorestown Lough Fishery Ltd**

Application deferred for office meeting as agreed earlier in meeting.

LA09/2016/1703/O **Change of use of waste management facility to a residential development of 8 no. units at 89 Clady Road, Portglenone for Mr Martin Henry**

Mr McCrystal presented a report on planning application LA09/2016/1703/O advising that it was recommended for refusal.

Councillor Kearney advised that the neighbouring area to the site is comprised of domestic dwellings.

The Chair, Councillor Mallaghan advised that whilst this application offered a good reuse of the site more information was needed in respect of possible contamination.

The Planning Manager stated that there were no other issues with the application other than the lack of a contamination report. On this basis the applicant therefore has a good indication of what needs to be done however this information remains outstanding.

Councillor Gildernew proposed that the application be deferred for one month to allow for submission of contamination report.

Councillor McPeake seconded Councillor Gildernew's proposal.

Resolved That planning application LA09/2016/1703/O be deferred for one month to allow for submission of contamination report.

LA09/2016/1723/F **Agricultural shed (retrospective) at 50m W of 24 Dreenan Road, Gulladuff for Mark Kelly**

Members considered previously circulated report on planning application LA09/2016/1723/F which was recommended for approval.

Proposed by Councillor McPeake
Seconded by Councillor Bell and

Resolved That planning application LA09/2016/1723/F be approved subject to conditions as per the officer's report.

LA09/2017/0429/F **Wind turbine with a hub height of 40m (renewal of previous approval H/2012/0010/F) 55m SW of 3 Mulnavoo Road, Draperstown for Mr Jim Jo McCullough**

Members considered previously circulated report on planning application LA09/2017/0429/F which was recommended for approval.

Proposed by Councillor McKinney
Seconded by Councillor Kearney and

Resolved That planning application LA09/2017/0429/F be approved subject to conditions as per the officer's report.

LA09/2017/0588/F **General engineering workshop for the manufacture of quarry plant and general engineering at 45 Craveeny Road, Ballygawley for Capital Engineering Ltd**

Members considered previously circulated report on planning application LA09/2017/0588/F which was recommended for approval.

Proposed by Councillor Robinson
Seconded by Councillor J Shiels and

Resolved That planning application LA09/20167/0588/F be approved subject to conditions as per the officer's report.

LA09/2017/0704/F **Extension of existing car sales and repair yard for the turning and parking of vehicles at 16a Derganagh Road, Knockloughrim for Mr A Conway**

Ms Doyle presented a report on planning application LA09/2017/0704/F be approved subject to conditions as per the officer's report.

Councillor McKinney felt that there was a lack of consideration given to lorries turning off the Glenshane Road going to this site and that a right hand turning lane should be required as part of this application.

Councillor McPeake stated that there were no right hand turning lanes on this section of the Glenshane Road and that there were other businesses in the area which did not have a right hand turn lane for access. Councillor McPeake clarified that access to the site is off the Derganagh Road not straight off the Glenshane Road.

The Chair, Councillor Mallaghan stated that DfI Roads have not responded with any concerns in relation to the application.

Councillor McKinney stated he did not understand how DfI Roads can be happy with this application given their views on previous applications considered.

The Planning Manager advised that the amount of movement to the site will be limited and is not seen as intensification of use which negates the need for a turning lane.

Councillor McEldowney stated that the site has always been used for car sales and that this application was for the extension of the yard for this business. The Councillor advised that DfI Roads have no issues with the application and on this basis she proposed the approval of the application.

Councillor Bell seconded Councillor McEldowney's proposal.

Resolved That planning application LA09/2017/0704/F be approved subject to conditions as per the officer's report.

LA09/2017/0710/F **Infill/gap site for 2 dwellings and garages at 25m and 50m NE of 92 Mullan Road, Coagh for Terence and Donna Maynes**

Members considered previously circulated report on planning application LA09/2017/0710/F which was recommended for approval.

Proposed by Councillor Bell
Seconded by Councillor Reid and

Resolved That planning application LA09/2017/0710/F be approved subject to conditions as per the officer's report.

LA09/2017/0780/F **Petrol filling station and café with associated drive thru (suitable for motor vehicles) at lands at 108-114 Moneymore Road, Magherafelt for Henry Brothers Ltd**

Members considered previously circulated report on planning application LA09/2017/0780/F which was recommended for approval.

Proposed by Councillor Reid
Seconded by Councillor J Shiels and

Resolved That planning application LA09/2017/0780/F be approved subject to conditions as per the officer's report.

LA09/2017/0828/O **Construction of chalet bungalow and detached garage 40m N of 64 Glenshane Road, Knockloughrim, Maghera for Mr and Mrs A Kane**

Members considered previously circulated report on planning application LA09/2017/0828/O which was recommended for approval.

Proposed by Councillor Kearney
Seconded by Councillor J Shiels and

Resolved That planning application LA09/2017/0828/O be approved subject to conditions as per the officer's report.

LA09/2017/0905/F **Housing development consisting of 3 detached and 18 semi-detached dwellings, upgraded access on to Mullaghmore Road, provision of a cycle track and associated development at lands SE of Foxborough, Mullaghmore Road, Dungannon for Westland Developments (NI) Ltd**

Mr Marrion (SPO) presented a report on planning application LA09/2017/0905/F advising that it was recommended for approval.

The Chair advised that requests to speak had been received and invited Councillor Molloy to address the committee in the first instance.

Councillor Molloy stated he was happy with the proposed development but asked for clarity in relation to site 21. The Councillor stated that this dwelling will be accessed via the Foxborough development whilst the rest of the proposed development will be accessed from Mullaghmore Road, Councillor Molloy asked how this will work in reality in relation to postal numbering etc.

Mr Marrion advised that sites 20 and 21 are semi-detached dwellings which will both have dual frontage onto the Mullaghmore Road whilst site 21 will be accessed via

Foxborough. In relation to numbering of properties Mr Marrion advised that this will be dealt with by Building Control.

Mr Smith confirmed that sites 20 and 21 will be semi-detached and both will have frontage onto Mullaghmore Road which is felt will provide a cohesive appearance along the road. Mr Smith advised that access for site 21 will be via Foxborough and that numbering of the properties is a separate issue.

In response to Councillor McPeake's question Mr Marrion that in respect of this development there would be houses that front the Mullaghmore Road.

Councillor Reid felt that numbering of the proposed development and site 21 in particular would be difficult. Councillor Reid also asked if there was a communal space management plan in place for the development and asked if site 21 would contribute to this annual fee.

Mr Smith advised that there would be a management plan in place for communal space within the development and site 21 would be included in this annual charge.

Proposed by Councillor Gildernew
Seconded by Councillor Clarke and

Resolved That planning application LA09/2017/0905/F be approved subject to conditions as per the officer's report.

LA09/2017/0908/F **Retention of staff car park as constructed and extension to provide additional staff parking space at 2 Moore Street, Aughnacloy for Mr Leo Daly**

Members considered previously circulated report on planning application LA09/2017/0908/F which was recommended for approval.

Proposed by Councillor Gildernew
Seconded by Councillor McAleer and

Resolved That planning application LA09/2017/0908/F be approved subject to conditions as per the officer's report.



LA09/2017/0936/F **2 additional broiler poultry sheds; 4 feed bins; 2 gas tanks; biomass boiler shed and pellet bin and ancillary building; cattle shed with underground slurry tank; covered silage pit; covered yard area and general farm storage building at lands approx. 300m NW and 100m SW of 27 Terryscollop Road, Annagh, Dungannon for CAP Farms Ltd**

The Planning Manager advised that there was an anomaly in legislation in that whenever a Pre-Determination Hearing is held the planning committee can make a preliminary recommendation to Council but that it is Council who will take the final decision. The Planning Manager noted the earlier comment during the Pre-Determination Hearing that Council is being used as an experiment and stated that Mid Ulster was perhaps the

bravest Council in progressing the application to this stage as other Councils have held back in relation to similar applications.

The Planning Manager referred to the non attendance by NIEA tonight and their statement to say they have not fully considered the application yet and that they may or may not remove their objections. The Planning Manager suggested that committee move ahead with making their preliminary determination to Council and time lock this for eight weeks to allow NIEA to consider and provide further evidence. After the eight week period if nothing is received from NIEA the application will be brought before Council for final determination.

Councillor Gildernew felt that eight weeks was a lengthy time addition to the process.

The Planning Manager stated that this application contained very complex issues and that DAERA have a right to launch a judicial review against Council. The Planning Manager felt that to time lock the determination was wise and that eight weeks would give NIEA every opportunity to set out their position.

Councillor Cuthbertson asked if the applicant would be content with a further eight week delay.

The Council Solicitor stated that if the Committee are minded to give a consultee further time to make representation then this needs to be a reasonable amount of time and that if the matter is particularly complex then eight weeks may not be sufficient. The Council Solicitor suggested that it may be prudent to defer the application.

The Planning Manager stated it was logical to give a eight week period to allow NIEA time to set out their position.

Mr McGill confirmed that the applicant would be content with allowing a further eight week period of consultation.

Councillor Robinson referred to the length of time it has taken to get the application to this stage and that further delays could make it difficult for the applicant.

The Planning Manager stated that the applicant would be foolish to commence works before three months had elapsed from determination as a judicial review could be launched.

The Chair, Councillor Mallaghan felt it was better to err on the side of caution and that an eight week period of consultation should be sufficient.

Proposed by Councillor Bell
Seconded by Councillor Cuthbertson and

Resolved That based on the information presented including at the earlier Pre Determination Hearing, that this committee is of the view that Planning Application LA09/2017/0936/F be recommended for approval as it had not been demonstrated that there was a significant risk to neighbouring ASSI. However, the Committee was minded to offer NIEA a final opportunity to

demonstrate harm or otherwise. Therefore, provided no issues were raised by NIEA in the interim, it was resolved that the recommendation to approve Planning Application LA09/2017/0936/F subject to the conditions in the officer's report, be presented to the August Council for determination.

LA09/2017/1244/O Site for dwelling and domestic garage at 90m W of 16 Derrynoid Lane, Draperstown for Mr Brendan McCullagh

Mr McCrystal presented a report on planning application LA09/2017/1244/O advising that it was recommended for refusal.

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

Mr Diamond advised that the applicant got a previous site passed on his farm at Dunmurry Lane with the permission of all the owners of the lane. Mr Diamond advised that permission is not forthcoming in relation to allowing another dwelling to be located on the lane and that this therefore rules out these lands as an option for the applicant.

Mr Diamond advised that the only plot of land available at the main farm was next to the farmhouse, Mr Diamond advised that this land is currently used for monitoring the welfare of animals and that the applicant would be reluctant to give up this piece of land.

Mr Diamond advised that the plot identified is the best alternative site which is located at the end of the Derrynoid Lane and best suits farming needs, does not cause ribboning and provides integration.

The Planning Manager asked if third party landowners were not giving permission because they feel an additional dwelling on the lane will hamper their farm operations.

Mr Diamond advised that the farm operations of the third parties would be hampered.

The Planning Manager suggested that the application be deferred in order for submission to be made in relation why third party landowners would not give permission for use of lane.

Proposed by Councillor Kearney
Seconded by Councillor McKinney and

Resolved That planning application LA09/2017/1244/O be deferred in order for further information to be submitted.

LA09/2017/1274/O Infill site for dwelling and garage approx. 20m W of 9a Ballymoghane Lane, Magherafelt for Mr T Johnston

LA09/2017/1275/O Infill site for dwelling and garage approx. 20m E of 9 Ballymoghane Lane, Magherafelt for Mr T Johnston

Members considered previously circulated reports on planning applications LA09/2017/1274/O and LA09/2017/1275/O which were recommended for approval.

Proposed by Councillor J Shiels
Seconded by Councillor Robinson and

Resolved That planning applications LA09/2017/1274/O and LA09/2017/1275/O be approved subject to conditions as per the officer's report.

LA09/2017/1474/O Dwelling and garage at 250m SE of Churchtown Road, Cookstown for Mark Bell

Mr McCrystal presented a report on planning application LA09/2017/1474/O advising that it was recommended for refusal.

Councillor Mullen entered the meeting at 8.31pm during above presentation.

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

Mr Ross advised that the applicant is a full time farmer and stated that whilst the history of the sheds cannot be proved they are in situ and should be afforded some weight when considering the application. Mr Ross advised that a forward sight line cannot be provided or achieved without third party lands. Mr Ross stated that this was a good site in every other way. Mr Ross did not feel CTY15 and SPPS had been given enough weight in determining this application and that Members could use flexibility which would not cause a precedent. Mr Ross asked the Committee to approve the application.

The Planning Manager stated that DfI Roads have confirmed they have no objection in relation to sightlines. The Planning Manager stated he would be prepared to accommodate an office meeting in relation to this application.

Councillor Clarke stated that the proposed site looked to have the characteristics of a dwelling being located there at some time. Councillor Clarke proposed that the application be deferred for an office meeting.

Councillor Cuthbertson seconded Councillor Clarke's proposal. The Councillor commented if this application would be treated differently if it was not within a settlement limit and referred to determination of a previous application which dealt with sheep sheds.

Councillor McKinney felt that sites A and B should not be considered as potential sites given their proximity to existing farm buildings.

Resolved That planning application LA09/2017/1474/O be deferred for an office meeting.

LA09/2017/1543/O Dwelling and domestic garage at site opposite 136 Aghnagar Road, Galbally, Dungannon for Margaret Donnelly

Mr Marrion presented a report on planning application LA09/2017/1543/O advising that it was recommended for refusal.

Councillor McKinney left the meeting at 8.41 pm during the above presentation.

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

Councillor McKinney rejoined the meeting at 8.43 pm during the above presentation.

Mr Nugent stated he did not disagree with the officer's report but felt this was an exceptional case. Mr Nugent stated that the applicant had in the past worked on her father's farm which is located on difficult terrain, the applicant has since been educated and established her own business in the local community as a registered childminder of which there are only three in the vicinity. Mr Nugent advised that the applicant's father was giving her a site on which to build a home and carry on with her business as a registered childminder. Mr Nugent stated that the applicant was providing an important role in the community and that a site on the farm would not be suitable as it was most likely the applicant's business could not survive as it would be inaccessible during the winter months. Mr Nugent felt that it was important to keep farming families in the community and in this case be able to provide support to neighbouring families. Mr Nugent asked that the application be approved in order that the applicant can remain within the community and maintain her business.

Councillor McAleer stated she knew the area and that it is hard to get to in winter months. Councillor McAleer also felt that the longer term needed to be considered.

Councillor Gildernew felt this application was an exception to policy and that the neighbouring farmer had no objection to the application.

Councillor McPeake stated he would be sympathetic to the proposed location and the need to futureproof the applicant's business.

Councillor Reid proposed that an office meeting be held for the application.

The Planning Manager referred to Mr Nugent's comments that the applicant is a registered childminder and asked what Mr Nugent was saying in that respect.

Mr Nugent stated that if the applicant is forced to build at the main farm site then they would lose their business due to the inaccessibility of the site during winter months.

The Planning Manager stated that he would accommodate a meeting for this application and asked that evidence be provided which confirms the neighbouring farmer is content with the application. The Planning Manager also asked for evidence to be provided in relation to the childminding business and how a dwelling at the proposed location will link with the business.

Councillor Clarke seconded Councillor Reid's proposal to hold an office meeting.

Councillor Gildernew asked if it was protocol to ask for confirmation that the neighbouring farmer was content with the application.

The Planning Manager stated that he was asking for this information in order to make the neighbouring farmer aware that a childminding business would be located at the site.

Resolved That planning application LA09/2017/1543/O be deferred for an office meeting.

LA09/2017/1639/F Micro brewery and tap room building along with ancillary storage, additional new car parking and alterations to existing road access at lands to the rear of 96 Ballymacombs Road, Bellaghy for Heaney Farmhouse Brewery Ltd

Members considered previously circulated report on planning application LA09/2017/1639/F which was recommended for approval.

Councillor J Shiels stated that access to the proposal appeared to be restrictive for vehicles.

The Head of Development Management advised that this application was for farm diversification and therefore had to be at the farm site. He stated that there were plans to widen the laneway within the proposal. The Head of Development Management stated that DfI Roads had no issue with the application.

Councillor Cuthbertson stated that if the business is a success then the Committee could be asked to determine on an expansion of premises at the site in the future. Councillor Cuthbertson felt that such proposals should be accommodated within industrial units.

Proposed by Councillor Kearney
Seconded by Councillor Bell and

Resolved That planning application LA09/2017/1639/F be approved subject to conditions as per the officer's report.

LA09/2017/1644/O Single storey farm dwelling with attached garage and associated site works, at lands located 105m E of farm dwelling adjacent to 4 Drumanee Road, Bellaghy for James Overend

Application withdrawn by applicant.

LA09/2017/1700/F Extension to rear of dwelling at 5 Coolmount Drive, Cookstown for Mr Brian O'Neill

Members considered previously circulated report on planning application LA09/2017/1700/F which was recommended for approval.

Proposed by Councillor McKinney
Seconded by Councillor Reid and

Resolved That planning application LA09/2017/1700/F be approved subject to conditions as per the officer's report.

LA09/2017/1740/F Erection of a Church Hall adjacent to Church Building (listed) at Dungannon Road, Aughnacloy for Aughnacloy Presbyterian Church

LA09/2018/0049/LBC Erection of Church Hall adjacent to Church Building (listed) at Dungannon Road, Aughnacloy, for Aughnacloy Presbyterian Church

Mr Marrion presented reports on planning applications LA09/2017/1740/F and LA09/2018/0049/LBC advising that they were recommended for approval.

Mr Marrion advised that application for Listed Building Consent must be notified to the Department and that the full planning application should be delegated to the Planning Manager as an approval to issue with the Listed Building Consent.

The Planning Manager expressed some dismay as to how these applications had been handled by HED.

Proposed by Councillor Gildernew
Seconded by Councillor Robinson and

Resolved That planning application LA09/2018/0049/LBC be notified to the Department and that planning application LA09/2017/1740/F be issued as an approval subject to resolution of matters relating to the listed wall.

LA09/2018/0020/RM Single storey dwelling and garage 50m E of 37 Kilrea Road, Portglenone for Richard Lowry

Members considered previously circulated report on planning application LA09/2018/0020/RM which was recommended for approval.

Proposed by Councillor McKinney
Seconded by Councillor J Shiels and

Resolved That planning application LA09/2018/0020/RM be approved subject to conditions as per the officer's report.

LA09/2018/0063/F Clear water basin and associated infrastructure to provide a portable water storage facility for Lough Fea WTW. Decommissioning and removal of Lough Fea South clear water basin and land treatment. New vehicular access from Spawell Road at 376m N of Spawell Road, Lough Fea for NI Water

Members considered previously circulated report on planning application LA09/2018/0063/F which was recommended for approval.

Proposed by Councillor Clarke
Seconded by Councillor Robinson and

Resolved That planning application LA09/2018/0063/F be approved subject to conditions as per the officer's report.

LA09/2018/0064/O Dwelling and garage on a farm at a site SE of 29 Crewe Road, Maghera for Mr Alfie Shiels

Members considered previously circulated report on planning application LA09/2018/0064/O which was recommended for approval.

Proposed by Councillor McKinney
Seconded by Councillor Kearney and

Resolved That planning application LA09/2018/0064/O be approved subject to conditions as per the officer's report.

LA09/2018/0077/F Dwelling house and detached domestic garage 40m S of 30A Crossowen Road, Augher for Mr Jonathon & Mrs Lisa Winser

Members considered previously circulated report on planning application LA09/2018/0077/F which was recommended for approval.

Proposed by Councillor Gildernew
Seconded by Councillor McAleer and

Resolved That planning application LA09/2018/0077/F be approved subject to conditions as per the officer's report.

LA09/2018/0153/O Dwelling and garage 72m NW of 21 Whitetown Road, Newmills for Mr Kenneth Reid

Councillor Reid declared an interest in this application and withdrew from the meeting.

Mr Marrion presented a report on planning application LA09/2018/0153/O advising that it was recommended for refusal.

The Chair advised that requests to speak had been received in relation to this application and invited Mr Henry to address the committee in the first instance.

Mr Henry advised that the application was made due to matrimonial breakdown and that the applicant had to sell the family home. Mr Henry stated that the planning department have accepted the proposal with the only difficulty being that another site was sold off within ten years of the application. Mr Henry advised that an alternative site proposed was not viable as there was a third party dwelling located beside this site and that a verbal guarantee had been given between the applicant and the third party that nothing would be built beside this dwelling. Mr Henry stated that this was only a verbal agreement however to build on the alternative site would require sightlines from the third

party and this would not be possible. Mr Henry asked that the Committee look on the application favourably.

Councillor McFlynn stated that the applicant had no choice but to sell the family home due to personal circumstances and felt that policy CTY6 could apply in this application. Councillor McFlynn asked that Members approve the application or move to an office meeting to discuss the application further.

The Council Solicitor advised Members that they should only factor in material considerations to their decision making and that private law matters, such as private access, rights of way etc., are not material considerations for the Committee.

Councillor Bell asked for clarification on policy CTY6 and how this was an exceptional circumstance.

Mr Marrion read from policy CTY6 in which it was stated that there should be evidence that a new dwelling is required, that there are no alternative solutions and that hardship will be caused by not granting a permission. Mr Marrion felt that the policy related to cases involving medical issues and not the matters of this application.

The Planning Manager stated that personal and domestic circumstances is not prescriptive and that whilst policy is a guide it cannot cover every eventuality. The Planning Manager stated it was reasonable to take into account that the main dwelling had been sold off due to marriage breakdown but to bear in mind that a site was also sold off and permission granted in 2008. The Planning Manager stated that if the applicant waited for another year then the site granted permission in 2008 would be outside of the ten year rule. The Planning Manager also reminded Members of the Local Development Plan and that policy may change before another year passes. The Planning Manager suggested that an office meeting be held to explain the situation to the applicant and allow him to have discussions with the third party in relation to the alternative site in the interim.

Proposed by Councillor Robinson
Seconded by Councillor McKinney and

Resolved That planning application LA09/2018/0153/O be deferred for an office meeting.

LA09/2018/0233/O Dwelling and detached domestic garage approx. 60m NW of 62 Annaghmakeown Road, Dungannon for Connor McGurk

Mr Marrion presented a report on planning application LA09/2018/0233/O advising that it was recommended for refusal.

The Chair advised that requests to speak had been received in relation to this application and invited Mr Gourley to address the committee in the first instance.

Councillor Reid rejoined the meeting during the above presentation.

Mr Gourley stated that the application meets the first two criteria of policy CTY10. In relation to whether the proposal is visually linked or clustered to the main farm building group Mr Gourley advised that the dwelling would be visible from critical viewpoints and can be read with the existing farm buildings, from this, Mr Gourley felt that the third criteria of policy CTY10 would be met. Mr Gourley stated that the applicant wants some separation from the family farm and neighbouring poultry sheds and therefore a site at the main farm would not be suitable. Mr Gourley also advised that there were issues in relation to a flood plain which added to the main farm site being unsuitable. Mr Gourley also referred to previous approval at the proposed site but which had now expired.

The Planning Manager asked if the proposal would be visible in the landscape.

Mr Marrion stated it depended on where the site was being viewed from.

The Planning Manager stated he would accommodate an office meeting.

Proposed by Councillor McPeake
Seconded by Councillor Bell and

Resolved That planning application LA09/2018/0233/O be deferred for an office meeting.

LA09/2018/0261/O Dwelling and garage at land to rear of 45 Lissan Road, Cookstown for Mr Gary McIvor

Mr McCrystal presented a report on planning application LA09/2018/0261/O advising that it was recommended for refusal.

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

Mr Marshall advised that he would disagree with the commentary within the officer's report which stated that the surrounding area was comprised of detached dwellings on generous sites. Mr Marshall advised that there were seven semi-detached and one detached dwelling in the surrounding area that the average area of the proposal was the same as five out of the seven dwellings in the cul de sac.

Mr Marshall stated that this was an outline application and that the design of the dwelling will be able to deal with any concerns related to amenity. Mr Marshall stated that all consultees were content with the proposal.

Councillor Bell referred to the houses to the north of the proposal site and that from the map shown there appeared to be very little space and that dwellings would be sitting on top of each other.

The Planning Manager demonstrated there was a significant difference in the space in the houses to the north and the application site.

Councillor Reid proposed that an office meeting be held for this application in which potential designs could be discussed to deal with issues of overlooking and shadowing.

The Planning Manager stated he was not opposed to an office meeting but that in order to present designs the applicant will have to incur extra expense with no guarantee of a favourable outcome.

The Chair, Councillor Mallaghan questioned what amenity there would be for the proposed dwelling and that of the neighbouring dwelling.

Councillor Robinson seconded Councillor Reid's proposal for an office meeting.

Councillor Cuthbertson felt that one of the photographs being shown was misleading from the angle it was taken.

Councillor McKinney stated that there were a number of houses in Cookstown which lacked amenity.

Resolved That planning application LA09/2018/0261/O be deferred for an office meeting

LA09/2018/0279/F Replacement dwelling and garage at land approx. 280m N of 34 Sessiagh Scott Road, Dungannon for Mr Kenneth Hazelton

Members considered previously circulated report on planning application LA09/2018/0279/F which was recommended for approval.

Proposed by Councillor Robinson
Seconded by Councillor Reid and

Resolved That planning application LA09/2018/0279/F be approved subject to conditions as per the officer's report.

LA09/2018/0394/F 3 terrace dwellings and 2 apartments at 16 – 20 Lawford Street, Moneymore for PAD (NI) Ltd

Members considered previously circulated report on planning application LA09/2018/0394/F which was recommended for approval.

Proposed by Councillor McKinney
Seconded by Councillor McPeake and

Resolved That planning application LA09/2018/0394/F be approved subject to conditions as per the officer's report.

LA09/2018/0424/O Dwelling and garage at lands 20m E of 29 Gortinure Road, Maghera for Patrick Bradley

Members considered previously circulated report on planning application LA09/2018/0424/O which was recommended for approval.

Proposed by Councillor McEldowney
Seconded by Councillor McPeake and

Resolved That planning application LA09/2018/0424/O be approved subject to conditions as per the officer's report.

LA09/2018/0439/F Relocation and change of house type to previously approved application I/2014/0016/RM at SE of 34a Annaghmore Road, Coagh for John Quinn

Application deferred pending submission of further information as agreed earlier in meeting.

LA09/2015/0782/F Change of use to storage and distribution unit (Class B4) at site 60m N of 52 Ballymoghna Road, Magherafelt for Cloane Properties Ltd

Mr McCrystal presented a report on planning application LA09/2015/0782/F advising that it was recommended for refusal.

Mr McPeake asked why visibility splays now needed to be increased and if an assessment had been carried out which dictated the requirement of 2.4 x 70m.

Mr McCrystal stated that the shed was originally approved for domestic use and that there was no requirement to increase visibility splays at that time.

Councillor McPeake asked if an impact assessment had been carried out in relation to vehicular movements.

Mr McCrystal stated that the proposal is for the use of a shed for storage and distribution, he advised that a roads access statement had been received which indicated that the maximum visibility splay which can be achieved without needing third party lands is 2.4 x 45m. Mr McCrystal stated that due to objections being received in relation to the application accessing third party lands for splays would not be viable.

Councillor Bell asked why the splays needed to be so long.

The Planning Manager stated that the length of the splay was important but that the depth was also important. The Planning Manager referred to the applicants difficulty in being able to achieve the required visibility splays which were being recommended by DfI Roads. The Planning Manager stated that the application has been in the process for a long time and the applicant is aware of what is required to be able to work towards a solution.

Councillor McKinney referred to the fact there was no representation on the application tonight and stated that DfI Roads had made the recommendation in relation to visibility splays for a reason. Councillor McKinney proposed the recommendation to refuse the application.

The Chair, Councillor Mallaghan reminded Members of the new Planning Protocol in which further representation cannot be made on a deferred application which was why no one was in attendance tonight.

In response to Councillor McPeake's question the Planning Manager stated it would be difficult to determine whether the longer sightlines would still be required if a different type of business was operating from the shed.

Councillor Bell asked if the size of vehicles delivering to the premises could be conditioned and would negate the need for longer sightlines.

The Council Solicitor stated that according to the case officer's report, access requirements are as specified in DCAN15 and that if Members were minded to go against this policy the reasons would need to be stated and evidence based.

Councillor Bell proposed an office meeting be held for the application.

The Planning Manager stated that the applicant ultimately needed a determination on the application.

The Chair, Councillor Mallaghan stated that the focus of this office meeting would be different to that held previously.

The Planning Manager stated he did not object to an office meeting being held to discuss visibility splays but that the applicant needed to be prepared to come to the meeting with solutions.

Councillor B McGuigan felt that a further office meeting would be beneficial to discuss visibility splays specifically.

The Chair, Councillor Mallaghan seconded Councillor Bell's proposal for an office meeting.

Councillor Reid stated that the applicant would have been aware that their application was on the agenda for discussion tonight and it was disappointing there was no one in attendance. Councillor Reid felt that there could be no control over the size of vehicles delivering to the premises and seconded Councillor McKinney's proposal to refuse the application.

The Chair, Councillor Mallaghan again reminded Members of Planning Protocol and that in relation to deferred applications there was no further right to speak which was why no one was in attendance tonight.

Members voted on Councillor Bell's proposal to hold an office meeting –

For – 9
Against – 5

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

For – 5
Against – 9

Resolved That planning application LA09/2015/0782/F be deferred for an office meeting.

LA09/2017/0498/F **Extension to existing garage to provide new machinery store at 100m NE of 29 Fegarran Road, Cookstown for Granville Carson**

Members considered previously circulated report on planning application LA09/2017/0498/F which was recommended for approval.

Proposed by Councillor Clarke
Seconded by Councillor McKinney and

Resolved That planning application LA09/2017/0498/F be approved subject to conditions as per the officer's report.

LA09/2017/0846/F **Cattle welfare unit including storage for hay and meal and proposed yard area for storage at 175m SE of 66A Kilnacart Road, Dungannon for Niall McCann**

Members considered previously circulated report on planning application LA09/2017/0846/F which was recommended for approval.

Proposed by Councillor Gildernew
Seconded by Councillor McKinney and

Resolved That planning application LA09/2017/0846/F be approved subject to conditions as per the officer's report.

LA09/2017/1142/O **Dwelling and garage (infill site) at approx. 5m E of 74 Kinrush Road, Ardboe for Ciara Curran**

Members considered previously circulated report on planning application LA09/2017/1142/O which was recommended for refusal.

Proposed by Councillor J Shiels
Seconded by Councillor Mallaghan and

Resolved That planning application LA09/2017/1142/O be refused on grounds stated in the officer's report.

LA09/2017/1205/O **Site for farm dwelling and double domestic garage at approx. 250m N of 10 Lecumpher Road, Moneymore for Johnathon and Jayne Smyth**

Councillor McKinney declared an interest in this application and withdrew to the public gallery.

Members considered previously circulated report on planning application LA09/2017/1205/O which was recommended for approval.

Proposed by Councillor Robinson
Seconded by Councillor Reid and

Resolved That planning application LA09/2017/1205/O be approved subject to conditions as per the officer's report.

Councillor McKinney rejoined the meeting.

LA09/2017/1276/O **Dwelling and domestic garage at a gap site approx. 35m SE of 2d Drumard Lane, Draperstown for Mick and Carmel McKee**

Members considered previously circulated report on planning application LA09/2017/1276/O which was recommended for approval.

Proposed by Councillor Bell
Seconded by Councillor Clarke and

Resolved That planning application LA09/2017/1276/O be approved subject to conditions as per the officer's report.

Councillor Gildernew left the meeting at 10.08 pm.

P080/18 **Receive Marine Plan Consultation**

The Planning Manager presented previously circulated report which provided a proposed consultation response on the Draft Marine Plan for Northern Ireland.

Proposed by Councillor J Shiels
Seconded by Councillor Clarke and

Resolved That Council respond to the consultation on the Draft Marine Plan for Northern Ireland as outlined in appendix to report.

Matters for Information

P081/18 **Minutes of Planning Committee held on Tuesday 1 May 2018**

Members noted minutes of Planning Committee held on Tuesday 1 May 2018.

P082/18 Correspondence from Arqiva

The Planning Manager tabled letter from Arqiva which provided detail on the national television 700MHz spectrum clearance project and proposed works to television transmitters.

Local Government (NI) Act 2014 – Confidential Business

Proposed by Councillor J Shiels
Seconded by Councillor Reid 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 P083/18 to P087/18.

Matters for Decision

P083/18 Receive Enforcement Report

Matters for Information

P084/18 Confidential Minutes of Planning Committee held on 1 May 2018

P085/18 Enforcement Live Case List

P086/18 Enforcement Cases Opened

P087/18 Enforcement Cases Closed

P088/18 Duration of Meeting

The meeting was called for 7 pm and concluded at 10.22 pm.

Chair _____

Date _____

Report on	Revised Timetable for the production of the new Local Development Plan (LDP) for Mid Ulster District Council Area
Date of Meeting	23rd August 2018
Reporting Officer	Chris Boomer Planning Manager
Contact Officer	Sinead McEvoy Head of Development Plan

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 provide members with a revised Timetable for the production of the new Local Development Plan (LDP) for Mid Ulster District Council Area. This timetable details the key stages, actions and timescales in the plan preparation process.
2.0	Background
2.1	Legislation, namely the Planning (NI) Act 2011, requires the council to produce and review such a timetable when preparing and adopting a LDP. Regulation 7 of the Planning (Local Development Plan) Regulations (Northern Ireland) 2015 requires that the timetable is approved by resolution of the council prior to submission to the Department for its agreement.
3.0	Main Report
3.1	The revised timetable sets out Mid Ulster Councils programme for the production of its LDP and includes details of the key stages in the process. It will help ensure that the plan process is efficiently managed and that key stakeholders such as consultation bodies and the Planning Appeals Commission (PAC) are kept informed and can manage their own resources to facilitate their involvement in the LDP process.
3.2	Members will be aware that there has been slippage in the date for the publication of the draft Plan Strategy (and subsequent dates as a result). There are a number of factors which explain the reason for this slippage including prolonged absence within the Planning Department which has led to the diversion of resources within the planning functions. In addition, as a result of the public consultation on the Preferred Options Paper, further evidence gathering has been undertaken and this has included further detailed work on a landscape review, minerals, renewables and how best to protect our most sensitive landscapes and assets. Mid Ulster has also led the way in working with neighbouring councils setting up planning forums for Lough Neagh, the Sperrins and Cross Border. Additional work has been undertaken to agree shared commons issues with neighbouring councils and this remains ongoing.
3.3	The timetable contains revised <i>indicative</i> dates as well as actions for the various stages of the plan preparation process. A number of assessments are required to be carried out in the preparation of the LDP, including a Strategic Environmental Assessment, a

	Sustainability Assessment, a Habitats Regulations Assessment and an Equality Impact Assessment and Rural Proofing. These are factored into the various key stages in the timetable.
3.4	Informal consultation on the timetable has taken place with the Department for Infrastructure who suggested some changes to the version that had been sent to them and which had been presented to Planning Committee in May 2018. Members will note that the timeframe within the timetable extends significantly beyond the 40 months suggested by the Department in their guidance. This extended timeframe is considered to be a realistic reflection of the actions necessary to ensure the production of a sound and robust LDP for the District and reflective of the timescale that would be necessary to address any issues that may arise during the process. The revised dates also taken account of the DFI advice and the Planning Appeal Commissions guidance on 'procedures for independent examination of local development plans' in which they state that their current expectation is that Commissioner involvement will last on average nine to 12 months per plan.
3.5	The next step in the progressing the revised timetable is to submit it to the Department for agreement.
4.0	Other Considerations
4.1	Financial, Human Resources & Risk Implications
	Financial:
	Human:
	Risk Management:
4.2	Screening & Impact Assessments
	Equality & Good Relations Implications:
	Rural Needs Implications:
5.0	Recommendation(s)
5.1	Members are requested to consider and agree the attached revised Timetable which will then be submitted to the Department for its agreement.
6.0	Documents Attached & References
	- Revised Timetable.



MID ULSTER DISTRICT COUNCIL LOCAL DEVELOPMENT PLAN REVISED TIMETABLE

1.0 Introduction

- 1.1 This revised timetable sets out Mid Ulster Council's program for the production of its local development plan (LDP) and includes details of the key stages in the process. The timetable will help ensure that the plan process is efficiently managed and that the key stakeholders such as the consultation bodies and the Planning Appeals Commission (PAC) are kept informed and can manage their own resources to facilitate their involvement in the LDP process. In relation to public consultation this timetable should be read alongside the Mid Ulster Statement of Community Involvement.
- 1.2 Under **Section 7 of the Planning (Northern Ireland) Act 2011** a council has a duty to prepare, and keep under review, a timetable for the preparation and adoption of the local development plan. Sections 8(4)(a) and 9(4)(a) require both the Plan Strategy and Local Policies Plan to be prepared in accordance with the timetable.
- 1.3 **Regulations 5 to 8 of the Planning (Local Development Plan) Regulations (Northern Ireland) 2015** (LDP Regulations) sets out the requirements for the preparation, form and content, agreement and availability of the timetable.

2.0 Purpose and Status of the Local Development Plan

- 2.1 The purpose of the Mid Ulster Council Local Development Plan, comprising the Plan Strategy and Local Policies, is to inform the general public, statutory authorities, developers and other interested bodies of the policy framework and land use proposals that will implement the strategic objectives of the Regional Development Strategy and guide development decisions within Mid Ulster District Council up to 2030.
- 2.2 The preparation of the LDP will take account of the Council's Corporate Plan and Community Plan so that there is a shared vision for the council area and communities and it will set out the long term social, economic and environmental objectives for the district. The LDP will also take account of regional policy context set by the Northern Ireland Executive and Central Government Departments. This includes, amongst others, the Sustainable Development Strategy, the Regional Development Strategy, the Strategic Planning Policy Statement and Planning Policy Statements.
- 2.3 The Mid Ulster Local Development Plan will replace the Cookstown Area Plan 2010, Dungannon and South Tyrone Area Plan 2010 and the Magherafelt Area Plan 2015. The Plan will be produced in two stages consisting of two separate documents which will shape development within our district in the period to 2030. The first stage will be a Plan Strategy followed by Local Policies Plan.
- 2.4 Prior to the preparation of the Plan Strategy and Local Policies Plan the Council will identify the key issues in the plan area and will formulate a series of options for dealing with them. This information will be published as a Preferred Options Paper which will indicate a Council's preferred options for

growth and development in their area and will be the basis for consulting with the public and stakeholders who will have an opportunity to put forward views and influence the local development plan from the outset.

- 2.5 The Plan Strategy will establish the strategic direction of the plan in order to provide a level of certainty on which to base key development decisions in the area as well as the necessary framework for the preparation of the local policies plan. The Strategy will set the aims, objectives, overall growth strategy and associated generic policies applicable to the Plan Area.
- 2.6 The Local Policies Plan (LPP) will be consistent with the plan strategy. In contrast to the Plan Strategy the LPP will deal with site specific policies and proposals associated with settlement limits, land use zonings and environmental designations required to deliver the council's vision, objectives and strategic policies. Prior to the publication of the Local Policies Plan (LPP) the Council will publish a Local Policies Plan 'Key Issues' Paper identifying the key issues in the area and will provide the public with the opportunity to comment them to inform the preparation of the LPP. The document will outline key issues such as settlement limits, location of housing and economic development land within the towns, town centre boundaries etc. and invite comments on them
- 2.7 A Sustainability Appraisal (incorporating Strategic Environmental Assessment) of the Local Development Plan will run in parallel with the preparation of various stages of the plan and will be an ongoing process. The purpose of the Sustainability Appraisal is to promote sustainable development through the integration of social, environmental and economic considerations into the preparation of the Local Development Plan. Reports from the various stages of the Sustainability Appraisal will be published at the key stages of the plan preparation as detailed in the Timetable at Appendix 1.

3.0 Timetable of Actions

- 3.1 The Mid Ulster Local Development Plan revised Timetable is set out at Appendix 1. In accordance with Regulation 6 of the Planning (Local Development Plan) Regulations (Northern Ireland) 2015 the Timetable contains indicative dates for the various stages of the plan preparation process.
- 3.2 The timetable details the various actions at the key stages of the preparation of the Plan. The timetable also includes those actions that also relate to the Sustainability Assessment and other assessments that are required to be carried out in the preparation of the plan including a Strategic Environmental Assessment, Habitats Regulations Assessment and Equality Impact Assessment.
- 3.3 In accordance with **Regulation 5 of the Planning (Local Development Plan) Regulations (Northern Ireland) 2015**, in preparing the timetable, consultation has been undertaken with the Planning Appeals Commission (PAC) and those consultation bodies represented on Local Development Plan Multi-Disciplinary Steering Group.

- 3.4 There are a number of factors that may impact on the delivery of the Local Development Plan within the indicative timescales indicated. Annual monitoring of the plan will take place and a report will be produced to inform Members and the Department on progress in meeting the timetable and on the land availability for housing and employment. In the event that progress is not in line with the timetable the Council has the power under the Planning Act 2011 to publish a revised timetable.

4.0 Project Management

- 4.1 Meeting the attached timetable is dependent upon Member involvement, adequate resourcing of the Local Development Plan, brokering agreement with neighboring councils and risk management.

Member Involvement

- 4.2 Progress on the Mid Ulster Local Development Plan will be reported to the Planning Committee. In addition to the attached timetable there are a number of critical dates for Council involvement:
- The Preferred Options Paper was presented for Council agreement September 2016 to allow for Autumn 2016 publication.
 - The findings from the public consultation exercise following publication of the POP was presented to Planning Committee in Autumn 2017.
 - The Sustainability Appraisal (incorporating SEA) and Draft Plan Strategy will be presented for Council agreement Autumn 2018 to allow for publication at Autumn 2018 or January 2019.
 - Council authorisation will be sought in Summer 2019 to forward the Plan with any representations to the Department to request an Independent Examination. Any counter representations will be forwarded eight weeks later.
 - Council authorisation will be sought in Summer 2020 on whether to accept or rebut the representations and submissions made to the Independent Examination by the date set.
 - The binding report from Department will be presented to Council to allow adoption in Autumn 2020.
 - The Sustainability Appraisal (incorporating SEA) and Draft Local Policies Plan will be presented to Council in Spring 2021 for authorisation of publication.
 - Council authorisation will be sought in Autumn 2021 to forward the Plan with any representations to the Department to request an Independent Examination. Any counter representations will be forwarded eight weeks later.

- Council authorisation will be sought in Summer 2022 on whether to accept or rebut the representations and submissions made to the Independent Examination by the date set.
- The binding report from Department will be presented to Council to allow adoption in Autumn 2022.

Risk Management

- 4.3 The timetable is challenging and there are a number of risks that could slow down the Plan Programme. In order to manage risk, a Risk Management Log (Table 1) assesses a variety of risks, processes countermeasures to mitigate delay.

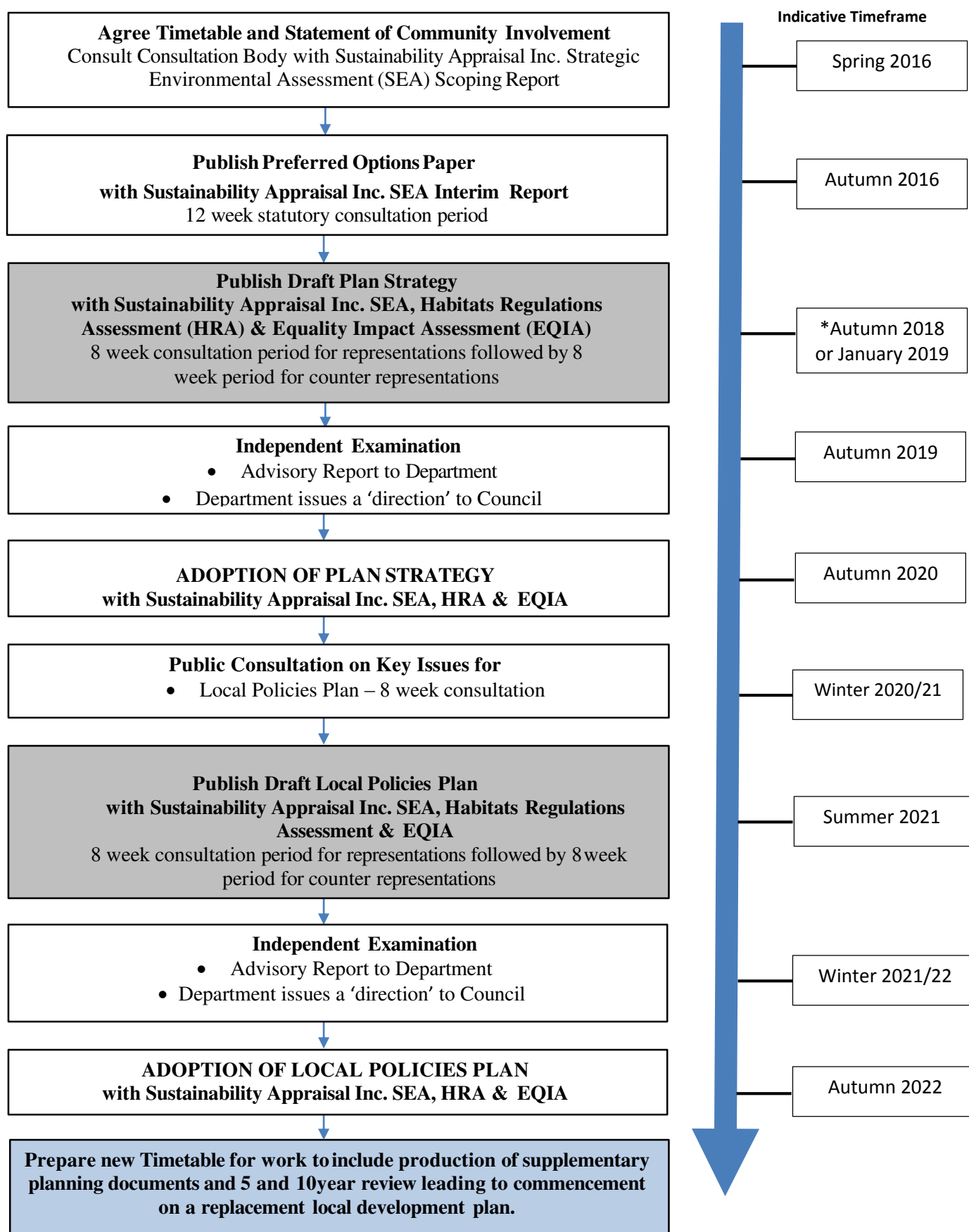
Area of Uncertainty/Risk	Effect	Likelihood	Impact	Response/Counter measure	After response Likelihood	After response Impact
Brokering agreement with neighbouring councils	3. Medium	Likely	Significant delays	Ongoing discussion via cross boundary forums.	2. Unlikely	Short term delays
Member Involvement	3. Medium	Likely	Significant delays	Ongoing member engagement	2. Unlikely	Short term delays
PAC involvement in terms of delivery	3. Medium	Likely	Significant delays	Liaise closely with PAC	2. Unlikely	Short term delays
Legal Challenge	3. Medium	Likely	Long term delay	Meaningful consultation and ongoing legal audit	2. Unlikely	Short term delays
Adequate team resources	3. Medium	Likely	Significant delay	Seek additional resources	2. Unlikely	Short term delays

Table 1: Risk Management Log for Mid Ulster Local Development Plan

5.0 Annual Monitoring

- 5.1 An annual monitoring report will be produced to inform Council and the Department on progress in meeting the timetable and on the land availability for housing and employment. If progress on plan production has slipped, the timetable will need to be revised and agreed with the Department in accordance with the Development Plan Regulations.

Mid Ulster Council Local Development Plan Timetable



*The final publication date will take into account Christmas and thus avoid publication in December 2018.

Report on	Statement of Community Involvement (SCI) for the new Local Development Plan and Development Management Functions for Mid Ulster
Date of Meeting	23rd August 2018
Reporting Officer	Chris Boomer Planning Manager
Contact Officer	Sinead McEvoy Head of Development Plan

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 provide members with a revised Statement of Community Involvement (SCI) for the new Local Development Plan and Development Management Functions for Mid Ulster.
2.0	Background
2.1	Section 4 of the 2011 Planning Act requires a council to prepare a SCI. The SCI Regulations set out the requirements for the preparation, form, content and publicity of the SCI. Regulation 6 of the Planning (Statement of Community Involvement) Regulations (Northern Ireland) 2015 requires that the SCI is approved by resolution of the council prior to submission to the Department for its agreement. It also requires that the council keep the statement of community involvement under regular review and any revision must comply with the requirements of these Regulations. This is the first review of our SCI.
2.2	The purpose of the Statement of Community Involvement (SCI) is to outline how a council proposes to engage the community and stakeholders in exercising its planning functions. It should set out a council's policy as to the involvement, in the exercise of a council's functions under the development management and local development plan provisions of the 2011 Act, of persons who appear to a council to have an interest in the matters relating to development in its area.
3.0	Main Report
3.1	The attached revised SCI explains how the community and stakeholders will be involved in the preparation of the Local Development Plan as well as the development management and enforcement processes.
3.2	The revised SCI sets out the steps that the Council will take to facilitate community involvement and sets out a vision and strategy for involving the community and stakeholders at various stages of the planning process.
3.3	The revised SCI sets out the standards to be met by a council in terms of community involvement, building upon the minimum requirements set out in both the Planning (Local Development Plan) Regulations (NI) 2015 and the Planning (Statement of Community Involvement) Regulations 2015.

3.4	The Statement of Community Planning Regulations state that before preparing the SCI a council must consider whether it is appropriate to invite representations from persons who have an interest in development in this area. In preparing the initial SCI extensive consultation was undertaken in the form of a public notice and letters were issued to a n extensive number of local community groups and organisations asking them if they wish to be involved in the process and seeking confirmation of their details. Given the extensive consultation at that time it is considered that it is not necessary to invite representation as part of this review of the SCI.
3.5	<p>The most notable proposed changes to the revised SCI include;</p> <ul style="list-style-type: none"> • The inclusion of a public consultation on Key Issues prior to the publication to the Local Policies Plan and an associated 8 week consultation period. • Minor changes to the wording of the development management section to more accurately reflect the process and planning protocol. • Significant amendment to the list of local community/voluntary groups in Mid Ulster at List 2 of Appendix 1. This is to ensure compliance with GDPR legislation whereby those previously listed at List 2 were contacted at the end of May 2018 and asked if they wish to 'opt in' to allow us to hold their details for the purpose of plan making. To-date there are a number of groups who have not responded and therefore this list is only reflective of those who have 'opted in' this far and the list has the potential to change if we receive further letters prior to the final publication of the SCI.
3.6	The next step in progressing the revised SCI is to submit it to the Department for agreement.
4.0	Other Considerations
4.1	Financial, Human Resources & Risk Implications
	Financial:
	Human:
	Risk Management:
4.2	Screening & Impact Assessments
	<p>Equality & Good Relations Implications: The SCI lists those Section 75 groups which will be contacted in accordance with the preparation of the Local Development Plan as per the steps in the SCI.</p>
	Rural Needs Implications:
5.0	Recommendation(s)

5.1	Members are requested to consider and agree the attached revised SCI which will then be submitted to the Department for its agreement.
6.0	Documents Attached & References
	<ul style="list-style-type: none"> - Revised SCI (and attached appendices).



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

**REVISED STATEMENT OF COMMUNITY INVOLVEMENT (SCI) FOR
THE NEW MID ULSTER LOCAL DEVELOPMENT PLAN 2030 AND
DEVELOPMENT MANAGEMENT FUNCTIONS**

May 2018

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STATEMENT OF COMMUNITY INVOLVEMENT (SCI) FOR THE NEW MID ULSTER LOCAL DEVELOPMENT PLAN 2030 AND DEVELOPMENT MANAGEMENT FUNCTIONS

1.0 What is the purpose of the Statement of Community Involvement (SCI)?

Purpose of the Statement

- 1.1 The purpose of this SCI is to set out policy for involving and engaging with the community in the production of the new Mid Ulster Local Development Plan (LDP) 2030, in the consideration of planning applications and in planning enforcement. It is required to ensure compliance with the Planning Act (Northern Ireland) 2011 and the Planning (Statement of Community Involvement) Regulations (Northern Ireland) 2015. It describes who, how and when the community will be invited to participate in the different stages of the Local Development Plan formulation, the determination of planning applications, in planning enforcement and a range of other planning matters.
- 1.2 This SCI is not intended to be a source of definitive legal advice. Reference should be made to the actual legislation referred to in this statement and if any discrepancy exists the provisions of the legislation will prevail.

A Vision of Participation

- 1.3 *“A sustainable society must be instilled with democratic values. Its citizens must share a sense of effective participation in the decision making process. They must feel they have a say in their society’s development and the skills, knowledge and ability to assume responsibility for that development” – The Sustainable Development Strategy for Northern Ireland. First Steps Towards Sustainability (DOE 2006)*
- 1.4 This is a shared vision of participation in decision making and it is therefore aimed to ensure that:
- Everyone has an early and informed opportunity to express their views on the development of the area and have it considered before decisions are made;
 - All groups in our community, regardless of religious belief, political opinion, racial group, age, sex, marital status, physical ability, sexual orientation, and those with and without dependents are enabled and empowered to participate;
- 1.5 The Mid Ulster District Council Corporate Plan 2015 – 2019 sets out the visions, values and priorities for Mid Ulster District Council up to 2019 and the Community Plan further expresses that vision. The interests of the community are at the centre of these visions, values, and priorities and accordingly the SCI will reflect this by placing the community at the heart of all planning related matters in Mid Ulster.

- 1.6 It is intended to adopt a proactive and timely approach to community involvement through a process of providing clear information and encouraging participation during plan preparation and the submission, assessment and determination of a planning application. The process must therefore be informative, user friendly, as inclusive as possible, and conducted in an open and transparent way. Every effort is to be made to engage the community, record views and provide feedback.

Principles of Community Involvement

- 1.7 It is vital that the Council is committed to uphold the following principles of community involvement and that these are reflected in the methods of consultation described throughout this SCI.
- **A culture of engagement** - People should know that they are encouraged to take part in the planning process and that decision makers are genuinely interested in their views.
 - **Early involvement or “frontloading”**- The community should be involved at an early stage in the preparation of Local Development Plan documents and major development proposals.
 - **Continuing involvement** - The community should be involved throughout the process, both formally and informally, of preparing Local Development Plan documents and major development proposals.
 - **Reaching out** - Methods used to encourage involvement should be appropriate to people’s experience and needs.
 - **Fit for purpose** - Arrangements for consultation need to be appropriate for the type of document or application being considered and being realistic in terms of available resources.
 - **Clarity** - The planning process and timetables for producing or reviewing Local Development Plan documents should be clear so that people are able to participate in a timely and effective manner.

2.0 Local Community involvement in the preparation of the Mid Ulster Local Development Plan 2030

Purpose and structure of the Local Development Plan

- 2.1 The purpose of the Mid Ulster Local Development Plan, comprising the Plan Strategy and Local Policies Plan, is to inform the general public, statutory authorities, developers and other interested bodies of the policy framework and land use proposals that will implement the strategic objectives of the Regional Development Strategy and guide development decisions within Mid Ulster up to 2030.
- 2.2 The preparation of the Local Development Plan will take account of the Mid Ulster District Council Corporate Plan 2015-2019 and the Community Plan so that there is a shared vision for the Council area and communities and it will set out the

long term social, economic and environmental objectives for the district. The Local Development Plan will also take account of regional policy context set by the Northern Ireland Executive and Central Government Departments. This includes, amongst others, the Sustainable Development Strategy, the Regional Development Strategy, the Strategic Planning Policy Statement and Planning Policy Statements.

- 2.3 The Mid Ulster Local Development Plan will replace the Cookstown Area Plan 2010, Dungannon and South Tyrone Area Plan 2010 and the Magherafelt Area Plan 2015. The Plan will be produced in two stages consisting of two separate documents which will shape development within our district in the period to 2030. The first stage will be a Plan Strategy followed by Local Policies Plan
- 2.4 Prior to the preparation of the Plan Strategy and Local Policies Plan the Council will identify key issues in the plan area and will formulate a series of options for dealing with them. This information will be published as a Preferred Options Paper which will indicate a Council's preferred options for growth and development in their area and will be the basis for consulting with the public and stakeholders who will have an opportunity to put forward their views and influence the plan from the outset.
- 2.5 The Plan Strategy will establish the strategic direction of the plan in order to provide a level of certainty on which to base key development decisions in the area as well as the necessary framework for the preparation of the local policies plan. The Strategy will set the aims, objectives, overall growth strategy and associated subject policies applicable to the plan area.
- 2.6 Prior to the publication of the Local Policies Plan (LPP) the Council will publish a Local Policies Plan 'Key Issues' Paper identifying the key issues in the area and will provide the public with the opportunity to comment them to inform the preparation of the LPP.
- 2.7 The Local Policies Plan (LPP) will be consistent with the Plan Strategy. In contrast to the Plan Strategy the LPP will deal with site specific policies and proposals associated with settlement limits, land use zonings and environmental designations required to deliver the council's vision, objectives and strategic policies.
- 2.8 A Sustainability Appraisal (SA), including a Strategic Environmental Assessment (SEA) of the Local Development Plan will run in parallel with the preparation of various stages of the plan and will be an ongoing process. The purpose of the Sustainability Appraisal is to promote sustainable development through the integration of social, environmental and economic considerations into the preparation of the Local Development Plan. The purpose of the SEA is to assess the potential environmental impacts of the Plan so as to ensure protection of the environment. Reports from the various stages of the Sustainability Appraisal (including SEA) will be published at the key stages of the plan preparation.

Who can get involved?

2.9 Mid Ulster Council will involve the community at an early stage in the planning process and anyone who wishes to get involved is encouraged to do so at the opportunities provided. In particular the views of the following groups of people will be sought however this list is not intended to be exhaustive and in no way restricts other individuals, groups and organisations from participating in the planning process.

- People living within the Mid Ulster area
- Elected Representatives
- Voluntary Groups
- Community Forums/Groups/Umbrella Organisations
- Environmental Groups
- Residents Groups
- Business Interests
- Developers/Landowners
- All individuals and groups with an interest in the area

2.10 Elected members, forums, community and residents groups provide a voice for the local community. Other voluntary and interest groups also bring a special knowledge and can ensure that important concerns are addressed. Lists of these groups are contained within Appendix 1.

Empowering disadvantaged and under-represented groups

2.11 Section 75 of the Northern Ireland Act 1998 requires a public authority, in carrying out its functions relating to Northern Ireland, to have due regard to the need to promote equality of opportunity between:

- persons of different religious belief, political opinion, racial group, age, marital status or sexual orientation;
- men and women generally
- persons with a disability and persons without; and
- persons with dependents and persons without

2.12 In addition, without prejudice to the above obligations, public authorities are required to have regard to the desirability of promoting good relations between persons of different religious belief, political opinion or race. The above “Section 75 groups” are important participants within the planning process and include people who traditionally have been under represented or disadvantaged. These groups will be targeted through the consultation process on the local development plan in order to obtain their views and contribute to the consideration of equality issues under Section 75. Their views on any equality screening documents or draft Equality Impact Assessments will also be sought within the specified period for comment along with the draft Plan Strategy and draft Local Policies Plan. A list of Section 75 groups is also contained within Appendix 1.

- 2.13 In order to ensure the Local Development Plan and consultation documents are accessible to everyone, they will be made available upon request in different formats. All documents will be published in plain English. A telephone and fax number will be stated on each document for people with hearing or speech impairment. If for any reason, a request for a document in a particular alternative format cannot be met, other solutions will be explored.

How and when will the community be involved?

- 2.14 A Local Development Plan is made in different stages, each presenting opportunities for community involvement. Each of these stages are identified below with the actions that are to be taken to involve the community. The actions will fulfil and in some cases exceed the statutory requirements on public consultation. The Timetable for when the different stages are to be reached will be obtainable from the Mid Ulster Council Offices in Dungannon, Cookstown and Magherafelt at the addressed detailed below and also on the Council website www.midulstercouncil.org.

Cookstown Office
Burn Road
Cookstown
BT80 8DT

Dungannon Office
Circular Road
Dungannon
BT71 6DT

Magherafelt Office
Ballyronan Road
Magherafelt
BT45 6EN

It will also be advertised in local press that this timetable is available for inspection in the above Council Offices during normal office hours.

Developing an Evidence Base

- 2.15 Surveying and information gathering will be an ongoing function of the Council, however, it will be particularly important at this early stage of plan preparation. Information obtained at this stage will be used to establish the social, economic and environmental characteristics of the plan area and enable the Council to determine the issues which need to be addressed and the options for addressing them. This will be undertaken using a topic based approach accompanied with a Countryside Assessment.

Actions/Governance

- Formation of a **Steering Group** comprising the Mid Ulster Planning Committee, the Chief Executive and the Planning Manager. This will be the high level co-ordinating body that will ensure an overview and strategic input on behalf of the whole community, as well as from the planning professionals
- Formation of a **Project Management Team (Multi-Disciplinary Steering Group)** comprising Mid Ulster Council Planning Manager, Principal Planning Officer, Chair of the Planning Committee, Vice Chair of the Planning Committee, Mid Ulster Council Director of Business and Communities, Director of Culture and Leisure, Director of Environment and Property, Director of Public Health and Infrastructure, Shared Environmental Service and representatives from the relevant Northern Ireland Government Departments. The Project Management team will be consulted on and will act as the screening and

scoping group for the Sustainability Appraisal (SA), including Strategic Environmental Assessment (SEA) and Equality Impact Assessment (EQIA);

- **Key Consultees** will receive written invitation requesting them to participate in the plan making process by providing information on the key strategic issues that the Local Development Plan should address.
- **Under represented (section 75) groups** will be invited to identify whether there are any types of planning policies which are likely to have significant impact on the groups they represent. They will also be provided opportunity to identify any particular issues or needs which they feel the plan should address. Where requested this can be done through a face to face meeting with a planning official. Any comments received will be taken into account when screening and scoping the EQIA.
- The scoping report of the SA (including SEA) will be sent to the statutory consultation body and if necessary, the **Department for Infrastructure – (DfI – previously DoE)** may be requested to undertake trans-boundary consultation with the Republic of Ireland.
- Issue a **Public Notice** in the Mid Ulster Mail and the Tyrone Courier confirming the publication of the Mid Ulster Council Timetable for the preparation of the new Local Development Plan as well as other supporting information. The notice will state that the agreed timetable and supporting information will be made available for inspection during normal office hours in all three Council Offices and such other places within the district considered appropriate as well as being available on the Council website www.midulstercouncil.org
- The SCI will be kept under review and any new groups or bodies wishing to be included or added to the lists contained in the appendices may request to have their details added. This will be subject to Council agreement.

Preferred Options Paper

- 2.16 This is the first formal stage in the preparation of our Local Development Plan. This stage commences with the publication of the Preferred Options Paper (POP). The POP is a consultation paper to promote debate on issues of strategic significance which are likely to influence the shape of future development within Mid Ulster. The intention is to stimulate a wide-ranging, yet focused, debate and encourage feedback from a wide variety of interests. Any representations or views received as a consequence of its publication will be considered in formulating the Draft Plan Strategy.
- 2.17 The POP is subject to a Sustainability Appraisal (SA), including the Strategic Environmental Assessment (SEA) and Equality Impact Assessment (EQIA). The SA/SEA is a continual process which runs parallel with the preparation of the POP and Local Development Plan (LDP). An SEA Interim Report (consisting of SA Scoping Report and assessment of alternatives) will be published with the POP.

Actions/Governance

- Issue a **Public Notice** in the Mid Ulster Mail, the Tyrone Courier, and the Belfast Gazette and on the Mid Ulster Council website www.midulstercouncil.org for two consecutive weeks. This notice will state:
 - i) The intention to prepare a Local Development Plan, accompanied by a Sustainability Appraisal, including Strategic Environmental Assessment, and Equality Impact Assessments;
 - ii) Publication of the Prepared Options Paper inviting comment within 12 weeks;
 - iii) Details of community meetings, exhibitions and pop-in information sessions;
 - iv) Publication of the initial stages of Sustainability Appraisal, including SEA, and invite comment as considered necessary.
- Publish the POP on the Mid Ulster Council website www.midulstercouncil.org and invite comments within 12 weeks. Also make the POP available at the Council Offices in Magherafelt, Dungannon and Cookstown and provide hard copies upon request (Tel: 03000 132 132) at a specified price.
- Issue a **Press Release** in the Mid Ulster Mail, the Tyrone Courier and the Belfast Gazette about the intention to prepare a new plan, drawing attention to the Preferred Options Paper and the public consultation. This will allow individual residents, developers, landowners and any other person with a stake in the LDP to make representation.
- Hold a **Launch and Exhibition** to announce the publication of the Preferred Options Paper;
- Hold **Public Meetings and Exhibitions** with drop in sessions in Dungannon, Cookstown and Magherafelt. Other locations will include Ardboe, Coalisland, Clogher, Draperstown, Galbally, Maghera and Pomeroy.
- Write to **Key Consultees** and **Elected Members** providing them with a copy of the Preferred Options Paper and invite them to attend the launch, provide comments within 12 weeks, inform them of the public meetings, exhibition and drop-in information sessions;
- Write to **local community groups** and **section 75 groups** advising them that the POP has been published and that it is available to view on the Councils website and that hard copies can be obtained from the Planning Department (Tel: 03000 132 132) where requested. The opportunity of a meeting with a planning officer to record their views will also be given. They will be asked to provide comments within 12 weeks.
- A **Public Consultation Report** will be presented to elected members following the 12 week consultation. This will contain a summary of each representation and professional comment, recording where members take a different view and rationale for that view. This will be taken into account whilst formulating the Draft Local Development Plan;

- The **Project Management Team** will be given opportunity to comment on emerging policy for inclusion in the Draft Plan Strategy and will be an integral part of testing emerging policy through the Sustainability Appraisal, including Strategic Environmental Assessment and the Equality Impact Assessment process.

Publication of Draft Plan Strategy

2.18 The draft Plan Strategy is a public consultation document and is not the final plan. It is an indication of the Council's intentions regarding the future development of the area, and is a key part of the public participation process.

Actions/Governance

- Issue a **Public Notice** in the Mid Ulster Mail, the Tyrone Courier, Tyrone Times, Derry Post, Impartial Reporter and the Belfast Gazette and on the Mid Ulster Council website www.midulstercouncil.org for two consecutive weeks. This notice will state:
 - i) Publication of Draft Plan Strategy and accompanying Sustainability Appraisal including the SEA, Habitats Regulations Assessment (HRA) and Equality Impact Assessment (EQIA), Rural Proofing and how to view or obtain copies;
 - ii) The dates and locations of Public Exhibitions;
 - iii) The 8 week period and closing date for receipt of representations to the Draft Plan Strategy and accompanying Sustainability Appraisal including SEA, Habitats Regulations Assessment (HRA), Rural Proofing and Equality Impact Assessment (EQIA). This will be followed by an 8 week period for counter representations.
- Make the Draft Plan Strategy, the Sustainability Appraisal including the SEA, HRA and EQIA and the Public Consultation Report available on the website www.midulstercouncil.org and at the Council Offices in Magherafelt, Dungannon and Cookstown and provide hard copies upon request at a specified price;
- Hold **Launch and Exhibition** to announce the publication of the Draft Plan Strategy and **Issue Press Releases**;
- Hold **Public Exhibitions** in Mid Ulster Towns, Villages and Settlements. Planning Officers will be available to answer any questions;
- Write to **Key Consultees** and **Elected Members** informing them of; the publication of the Draft Plan Strategy and providing them a copy; the dates of the public exhibitions; the 8 week period and closing date for representations;
- Write to all who submitted a representation to the POP informing them of the publication of the Draft Plan Strategy and accompanying documents advising

how they can view or obtain copies; the dates of the public exhibitions; the 8 week period and closing date for representations;

- Representations will be reported to the Elected Members

Public Inspection of Representations

- 2.19 All representations which are made to the Draft Plan Strategy will be made available for public inspection as part of the public consultation process. Interested parties may also comment on the site specific representations that have been received (counter-representations). Counter-representations must not propose any changes to the development plan document. Both the representations and counter-representations will be considered at the Independent Examination (IE).

Actions/Governance

- Make copies of representations available for inspection in the Council Offices in Magherafelt, Dungannon and Cookstown and on the website www.midulstercouncil.org. Hard copies of representations can also be provided upon request at a specified price.
- Write to **Key Consultees, Elected Members and any person who has made (and not withdrawn) a representation** informing them that representations are available for inspection and the places and times at which they can be inspected;
- Issue a **Public Notice** in the Mid Ulster Mail, the Tyrone Courier, Tyrone Times, Derry Post, Impartial Reporter and the Belfast Gazette for two weeks, and on the Mid Ulster Council website of the availability of representations for inspection and the eight week period including closing date for counter-representations;
- Make the counter-representations available on website and at the Mid Ulster Council Offices in Magherafelt, Cookstown and Dungannon for inspection;
- Representations and counter-representations will be fully considered by the Council before it submits the Draft Plan Strategy to the DfI for Independent Examination (IE)

Submission of Development Plan Documents

- 2.20 Following the submission of all Development Plan documents to the DfI and prior to Independent Examination, Council will also make all submitted documents available for inspection at the Mid Ulster Council Offices in Magherafelt, Cookstown and Dungannon and other such places the Council considers appropriate. Council will notify all consultation bodies and any person who has made (and not withdrawn) a representation that these documents are available for inspection in the Mid Ulster Council Offices during normal office hours. A notice will also be placed in the Mid Ulster Mail, The Tyrone Courier,

Tyrone Times, Derry Post, Impartial Reporter and the Belfast Gazette, stating that the Development Plan documents have been submitted to DfI. This notice will also be published on the Council website – www.midulstercouncil.org.

Independent Examination

- 2.21 The Council will not submit the Draft Plan Strategy to DfI unless it considers that it is ready for IE. The purpose of the Independent Examination is to determine the soundness of the Draft Plan Strategy, taking into account representations or counter representations. The Council will be available to answer any question of the Independent Examiners and provide comment on the representations and counter representations. Following the IE, the examiner will issue a report of its findings to the DfI which will in turn consider this and issue a binding report to a Council. On this basis, a Council must incorporate any changes outlined in the binding report and subsequently adopt the Plan Strategy.

Actions/Governance

- Continue to make the Draft Plan, and all accompanying documentation available on the website www.midulstercouncil.org;
- Advertise dates, times and venues for the Independent Examination at least 4 weeks before the Examination is to be held indicating that representations and counter representations are available for inspection; and
- Notify all persons who submitted representations and counter representations of the arrangements for the Independent Examination indicating that representations and counter representations are available for inspection;
- Request Key Consultees to provide comment on the representations and counter-representations for consideration at the Independent Examination.

Adoption of Plan Strategy

- 2.22 Following the Independent Examination, DfI will issue a Direction to the Council, requiring it to adopt the draft Plan Strategy as originally prepared or with modifications. The Council may also be directed to withdraw the draft Plan Strategy. In either scenario, DfI will be expected to give reasons for their decisions.

Actions/Governance

- Issue a **Public Notice** in the Mid Ulster Mail, the Tyrone Courier, Tyrone Times, Derry Post, Impartial Reporter and the Belfast Gazette and on the Mid Ulster Council website www.midulstercouncil.org for two consecutive weeks. This notice will confirm:
 - i) adoption of the Plan Strategy;

- ii) where to get copies of the Plan Strategy, the DfI direction and the accompanying independent examination report
- Make the Plan Strategy and any accompanying documents, the DfI Direction and accompanying Independent Examiner's Report available on the website www.midulstercouncil.org. A hard copy will be available on request (Tel: 03000 132 132) for a specified price;
- Write to key consultees and those submitting representations and counter-representations advising of the adoption of the Plan Strategy, and where to obtain copies together with the DfI Direction and the Independent Examiner's Report. Also advise them of the commencement of work on the Local Policies Plan.

Local Policies Plan

2.23 The Local Policies Plan is the second document comprising the Local Development Plan. The Draft Local Policies Plan is a public consultation document and is not the final part of the plan. The Draft Local Policies Plan will be consistent with the adopted Plan Strategy and will be the Council's detailed land use proposals regarding the future development of the area; this draft document is a key part of the public participation process. The Plan Strategy must be adopted before the Draft Local Policies Plan is published for consultation, subjected to IE and adopted.

Local Policies Plan - Key Issues Consultation

2.24 Prior to the publication of the Local Policies Plan (LPP) the Council will publish a Local Policies Plan 'Key Issues' Paper identifying the key issues in the area and will provide the public with the opportunity to comment them to inform the preparation of the LPP. The document will outline key issues such as settlement limits, location of housing and economic development land within the towns, town centre boundaries etc. and invite comments on them.

Actions/Governance

- Issue a **Public Notice** in the Mid Ulster Mail, the Tyrone Courier, Tyrone Times, Derry Post, Impartial Reporter and the Belfast Gazette and on the Mid Ulster Council website www.midulstercouncil.org for two consecutive weeks. This notice will state:
 - i) Publication of the Key Issues Paper and how to view or obtain copies;
 - ii) The 8 week period and closing date for receipt of representations to the Key Issues Paper.
- Publish the Key Issues Paper on the website www.midulstercouncil.org and invite comments within 8 weeks. Make the Key Issue Paper available at the Council Offices in Magherafelt, Dungannon and Cookstown and provide hard copies upon request.

- Write to **local community groups** and **section 75 groups** advising them of the publication of this document and how they can make representations to it.
- Write to **Key Consultees** and **Elected Members** informing them of; the publication of the Key Issues Paper and providing them a copy, the 8 week period and closing date for representations.

Publication of Local Policies Plan

Actions/Governance

- Issue a **Public Notice** in the Mid Ulster Mail, the Tyrone Courier, Tyrone Times, Derry Post, Impartial Reporter and the Belfast Gazette and on the Mid Ulster Council website www.midulstercouncil.org for two consecutive weeks. This notice should confirm:
 - i) Publication of Draft Local Policies Plan and accompanying Sustainability Appraisal including SEA, HRA, EQIA and Rural Proofing and how to view or obtain copies;
 - ii) The dates and locations of Public Exhibitions;
 - iii) The 8 week period and closing date for receipt of representations to the Draft Plan Local Policies Plan and accompanying Sustainability Appraisal including SEA, HRA and EQIA. This will be followed by an 8 week period for counter representations.
- Make the Draft Local Policies Plan and the Sustainability Appraisal including the SEA, HRA and EQIA available on the website and at the Council Offices in Magherafelt, Dungannon and Cookstown and provide hard copies upon request (Tel: 03000 132 132) at a specified price.
- Hold **Launch and Exhibition** to announce the publication of the Draft Local Policies Plan and **Issue Press Releases**;
- Hold **Public Exhibitions** in Mid Ulster Towns, Villages and Settlements. Planning Officers will be available to answer any questions;
- Write to **Key Consultees** and **Elected Members** informing them of; the publication of the Draft Local Policies Plan and providing them a copy; the dates of the public exhibitions; the 8 week period and closing date for representations;
- Write to all who submitted a representation and counter-representation to the draft Plan Strategy informing them of the publication of the Draft Local Policies Plan and accompanying documents and advising how they can view or obtain copies; the dates of the public exhibitions; the 8 week period and closing date for representations;
- Representations will be reported to the Elected Members

Public Inspection of Representations

- 2.25 All representations to the Draft Local Policies Plan will be made available for public inspection as part of the public consultation process. Interested parties may also comment on the site specific representations that have been received (counter-representations). Counter-representations must not propose any changes to the development plan document. Both the representations and counter-representations will be considered at the Independent Examination (IE).

Actions/Governance

- Make copies of representations available for inspection in the Council Offices at Magherafelt, Cookstown and Dungannon and on the website. Hard copies of representations can also be provided upon request at a specified price.
- Write to **Key Consultees, Elected Members and any person who has made (and not withdrawn) a representation** informing them that representations are available for inspection and the places and times at which they can be inspected;
- Issue a **Public Notice** in the Mid Ulster Mail, the Tyrone Courier, Tyrone Times, Derry Post, Impartial Reporter and the Belfast Gazette and on the Mid Ulster Council website www.midulstercouncil.org for two consecutive weeks. This notice will state the availability of representations for inspection and the eight week period including closing date for counter representations;
- Make the counter-representations available on website and at the Mid Ulster Council Offices in Magherafelt, Cookstown and Dungannon for inspection. Hard copies of counter representations can also be provided upon request at a specified price.
- Representations and counter representations will be fully considered by the Council before it submits the Draft Local Policies Plan to the DfI for Independent Examination (IE).

Submission of Development Plan Documents

- 2.26 Following the submission of all Development Plan documents to the DfI and prior to Independent Examination, Council will also make all submitted documents available for inspection at the Mid Ulster Council Offices in Magherafelt, Cookstown and Dungannon and other such places the Council considers appropriate. Council will notify all consultation bodies and any person who has made (and not withdrawn) a representation that these documents are available for inspection in the Mid Ulster Council Offices during normal office hours. A notice will also be placed in the Mid Ulster Mail, the Tyrone Courier, Tyrone Times, Derry Post, Impartial Reporter and the Belfast Gazette that the Development Plan documents have been submitted to the DfI. This notice will also be published on the Council website www.midulstercouncil.org

Independent Examination

2.27 Again, the Council will not submit the Draft Local Policies Plan to DfI unless it considers that it is ready for IE. The purpose of the Independent Examination is to determine the soundness of the Draft Local Policies Plan taking into account representations and counter representations. The Council will be available to answer any question of the Independent Examiners and provide comment on the representations and counter representations. Following the IE, the examiner will issue a report of its findings to the DfI which will in turn consider this and issue a binding report to a Council. On this basis, a Council must incorporate any changes outlined in the binding report and subsequently adopt the Local Policies Plan.

Actions/Governance

- Continue to make the Draft Local Policies Plan, and all accompanying documentation available on the website;
- Advertise dates, times and venues for the Independent Examination at least 4 weeks before the Examination is to be held indicating that representations and counter representations are available for inspection; and
- Notify all persons who submitted representations and counter representations of the arrangements for the Independent Examination indicating that representations and counter representations are available for inspection;
- Request Key Consultees to provide comment on the representations and counter-representations for consideration at the Independent Examination

Adoption of Local Policies Plan

2.28 Following the Independent Examination, DfI will issue a Direction to the Council, requiring it to adopt the Draft Local Policies Plan as originally prepared or with modifications. The Council may also be directed to withdraw the Draft Local Policies Plan. In either scenario, DfI will be expected to give reasons for their decisions.

Actions/Governance

- Issue a **Public Notice** in the Mid Ulster Mail, the Tyrone Courier, Tyrone Times, Derry Post, Impartial Reporter and the Belfast Gazette and on the Mid Ulster Council website www.midulstercouncil.org for two consecutive weeks. This notice will confirm:
 - i) adoption of the Local Policies Plan;
 - ii) where to get copies of the Local Policies Plan, the DfI Direction and the accompanying Independent Examiner's Report;

- Make the Local Policies Plan and accompanying documents, the DfI Direction and Independent Examiner's Report available on the Council website with hard copies available on request for a specified price;
- Write to key consultees and those submitting representations and counter-representations advising of the adoption of the Local Policies Plan, and where to obtain copies together with the DfI Direction and the Independent Examiner's Report.

Next Steps

- 2.29 Following the adoption of the Plan Strategy and Local Policies Plan the Council will identify its work priorities for the next five years in a new timetable. It may also issue a new Statement of Community Involvement if considered appropriate. In addition the Council will engage in monitoring and review which are essential in establishing how the objectives in the Local Development Plan are being achieved and whether any changes are required. This should be done every five years.

3.0 Local Community Involvement in Mid Ulster Development Management Functions

Purpose

- 3.1 The Council as the local planning authority for the area deals with the majority of planning applications in the district. Planning applications are now categorised on receipt as local, major or regionally significant. The council are responsible for the local and major applications whilst the DfI processes those applications that are regionally significant. The Council also deals with Listed Building applications and applications for works in Conservation Areas, works to Protected Trees and Advertising Consent. Development management is the process through which such applications are considered. An important part of the process is to provide information and advice to applicants and to seek and take into account the views of the general public and statutory consultees on all planning applications. The statutory requirements for consultation on planning applications are set out in legislation. These requirements vary according to the type of proposal but include notification to specified bodies and the general public. It is also worth noting that there is provision within the Planning Act (Northern Ireland) 2011 for the DfI to call in a planning application, an application for Listed Building Consent and an application for Hazardous Substance Consent; although this is to be the exception.
- 3.2 The Council receives a wide variety of planning applications and therefore needs to involve the community to differing degrees, according to the scale and complexity of the application.
This section of the SCI looks at:
- how the public can become involved at the various stages of the application process; and

- how the level of community involvement will depend on the scale of the application.

Pre-Application Stage

Pre-Application Discussions (PADs)

- 3.3 Pre-application discussions are encouraged for a range of types of applications, both major and local. The objective of pre-application discussions should be to confirm whether the principle of development is acceptable and to clarify the format, type and level of detail required to enable the council to determine an application. For major applications it will also enable the applicant to discuss with the council details of how the community should be involved in the decision-making process.

Pre-Application Community Consultation (PACC)

- 3.4 The council strives to inform and involve the wider community in helping to create better quality developments and place making. Applicants who submit major applications to the council or as the case may be, the Department must undertake community consultation before submitting their application.

The Council will require the following actions to be undertaken before the application is submitted:

- **Notify the Council** by way of a “proposal of application notice” (PAN), at least 12 weeks in advance, that an application for a major planning application is to be submitted.
 - Hold at least one **public event** where the community will be afforded the opportunity to make comment.
 - **Publish details** of the proposal in the local press, outlining where further details can be obtained and the date, time and location of a public event.
 - Submit a pre-application community consultation report to accompany the application.
- 3.5 Pre-application consultation is likely to be more successful if the applicant makes significant efforts to open lines of communication with, and provide feedback to local communities and work with them to secure development proposals which are acceptable to everyone.
- 3.6 As previously stated the Council would recommend all applicants considering submitting development proposals that fall within the definition of major development to seek a Pre-Application Discussion with planning officers.

Where applicants fail to fully meet the pre-application community consultation requirements the Council will decline to determine the application.

Application Stage

- 3.7 When a planning application is submitted for determination the Council will involve the community in the decision making process. If you feel you will be affected by development proposals you will have an opportunity to consider what is proposed and how it will affect you. You will also have the opportunity to make your views known before a final decision is made on the application.

Advertising and Neighbour Notification

- 3.8 The Council undertakes statutory public engagement in accordance with current legislation. Government may change the statutory requirements and our future approach will reflect any changes that are made.

Advertising

- 3.9 The Council will advertise all new applications on a weekly basis in at least one local newspaper (in accordance with **Section 41 of the Planning Act (Northern Ireland) 2011 and Section 8 of the Planning (General Development Procedure) Order (Northern Ireland) 2015**). The Mid Ulster Mail and Tyrone Courier are the publications used by Mid Ulster Council. The weekly list of all new applications received by the Council can also be viewed on our website www.midulstercouncil.org. The advertisement will advise that any representations that are made should be received within 14 days of the publication. This will assist in the efficient processing of the application, however, material representations will be considered up until a decision on the proposal is reached.

EIA Development

- 3.10 Environmental Impact Assessment (EIA) is a method for ensuring that the likely effects of new development on the environment are fully understood and taken into account before consent is given for the development to proceed. The Environmental Statement (ES) produced as part of an environmental impact assessment, brings together in a single document or series of documents information about a proposed development and its effects on the environment.
- 3.11 In most cases it will fall to the council to determine if the application is an EIA application. It should be noted that if an application is an EIA application it cannot be processed until the ES is received. When a developer submits an ES in support of a planning application, the Council will publish a notice of its receipt in a local newspaper (The Mid Ulster Mail and Tyrone Courier are the publications used by Mid Ulster Council) and indicate where it may be purchased and the address of the Council Office where it may be inspected. The Council will also allow 4 weeks from the date the notice is first published for representation to be made.

Neighbour Notification

- 3.12 **Article 8 of The Planning (General Development) Procedure Order (Northern Ireland) 2015** states that any identified occupier of land neighbouring the land to which the application relates shall be notified by serving a notice on them. Under the Council's Neighbour Notification Scheme, the Council will ensure that planning applications are brought to the individual attention of the occupiers of buildings on neighbouring land which are within 90m of the boundary of the application site.

Neighbouring land is defined as 'land which directly adjoins the application site or which would adjoin it but for an entry or road less than 20m in width'.

- 3.13 The Case Officer when carrying out a site inspection will also check the accuracy of the neighbour notification details supplied on the application form and may add details as considered appropriate.
- 3.14 The period for responding following receipt of a neighbour notification letter is 14 days, though any late representations received before a decision is made will still be considered.

Obtaining further information and getting involved in planning applications

- 3.15 The weekly lists of planning applications received within Mid Ulster council area are also available on the Northern Ireland Planning Portal (www.planningni.gov.uk). Planning applications including supporting documents and corresponding plans can be viewed online as well at the council offices during normal office hours. Planning Officers are available to give advice on current or proposed applications (you are advised to make an appointment if you wish to speak to a particular officer).

Public Register

- 3.16 The Public Register of planning application decision is a mix of both electronic and paper formats prior to a point in 2017. After planning reference LA09/2017/0756 the public register of decisions can be accessed at www.planningni.gov.uk where drawings, decision notices and reports are available for public viewing. The paper copy files before 2017 contain the following:
- a copy(which may be photographic) of each application together with copies of plans and drawings submitted in relation thereto;
 - the decision notice, if any, in respect of the application, including details of any conditions subject to which permission or consent was granted;
 - the reference number, the date and effect of any decision of the PAC in respect of the application; and
 - brief details of any revocation or modification relating to any permission or consent, including date of issue.

File Inspection

- 3.17 The Council will make the application file available for inspection at the Councils Planning Department at the Magherafelt Office, Ballyronan Road, Magherafelt, BT45 6EN, by appointment which can be made at Tel: 03000 132 132. The amount of information on the file, will of course, be dependent on the stages the application has completed. Copies of drawings and application forms can be viewed by appointment at a planning clinic in Dungannon Council Offices and Cookstown Council Offices on a weekly basis. An appointment can be made at Tel: 03000 132 132.

Submitting Comments

- 3.18 Individuals, groups and organisations can comment on a planning application even if they have not been neighbour notified by the Council. All comments will be carefully considered. Care should be taken when making comments to the Council to ensure that no personal data is included.
- 3.19 When a decision is made on a planning application only those matters which are material to the planning decision are given weight. These include a wide range of issues such as impact on neighbouring amenity, natural and built heritage, and public and highway safety. However, matters such as the impact on property prices are not normally considered material to a planning decision.
- 3.20 Greater weight is generally attached to issues which are supported by evidence rather than solely by assertion. If an identified problem can be dealt with by means of a suitable condition the Council is required to consider this as an alternative to refusing an application.
- 3.21 You can make comments in a variety of ways, these are as follows-
Online at: www.midulstercouncil.org
By email: planning@midulster.org (Please quote the application number)
By post to: Mid Ulster Development Management Team, Mid Ulster District Council, Magherafelt Office, 50 Ballyronan Road, Magherafelt, Co. Derry, BT45 6EN
- 3.22 All written comments on an application will be acknowledged within five working days, however the Council may be unable to respond to each comment made due to the large number it receives. All comments will be summarised and fully considered within the Planning Officer's report. The acknowledgement letter will set out who is dealing with the application and who to contact if there are any questions. The Council will not normally contact the respondent again until after a decision is made.
- 3.23 The Council may, if it considers it appropriate to do so, stage public exhibitions, Issue press releases or arrange public meetings to provide information about major developments or proposals which are particularly significant or have wide-spread effects on communities.

- 3.24 You may also wish to contact your local councillor, who has the ability to request that the application is determined by the relevant planning committee. Oral, or defamatory comments cannot be taken into account. You should ensure that your comments relate to relevant planning matters.
- 3.25 The Council will consult with Statutory Consultees where appropriate (**see Appendix 2**) to assist in the determination of an application. If a representation raises issues that are relevant to the responsibilities of the consultee (e.g. road safety) the representation will be copied to the appropriate consultee for consideration and comment. The Council will carefully take any comments made into account before a decision is made. All comments are scanned and added to the web site once personal email addresses and hand written signatures have been removed (it should be noted that typed names and addresses remain visible).
- 3.26 The council may negotiate changes to applications where these are expedient. Re-consultation (for 14 days) will take place on minor changes if the Council considers that they raise new issues that could lead to further comment. If any change is considered to be substantive, the council may decline to treat it as an amendment and a new application may be invited.

Community Involvement at the Planning Committee Stage

- 3.27 Planning applications are usually determined by officers using delegated powers. The circumstances under which an application can, or cannot, be determined using delegated powers are set out in the Council's **Scheme of Delegation**, which is subject to regular review.

Pre-determination hearings and speaking at the Planning Committee

- 3.28 For those major applications of which notification has been forwarded to DfI but have been returned to the Council for determination the Council will afford the applicant the opportunity of appearing before and being heard by the Council. If a planning application goes before a planning committee, those people who have made representations will have the opportunity to speak at the committee meeting, in line with the relevant protocol. It will be the responsibility of the person wishing to speak at the committee to check the public access link at www.planningni.gov.uk to keep informed of the status of the application. The council will not contact them to let them know the application is due to be presented to planning committee.
- 3.29 Arrangements and requirements for speaking at the Planning Committee are set out in the Protocol for Planning Committee. This Protocol is available on the Council website or upon request.

Community Involvement after a Planning Application has been determined (Post Application Stage)

- 3.30 A notification of the decision is sent to the applicant/agent and to those who have responded to the consultation on the planning application. The reasoning behind the decision will be set out in the Planning Officer's report which will be available on the Council website or upon request. Where a committee has disagreed with the officer's recommendation the justification will be available to view in the minutes of the planning committee. An advertisement will be placed in the local paper if a decision is taken on an application that was accompanied by an Environmental Statement.

Involving the Community when an Appeal is made against a Planning Refusal/Granted Conditions/Enforcement Notice

- 3.31 Only applicants and those upon whom notices have been served have the right of appeal. There are no third party rights of appeal. Where an applicant is unhappy with the Council's decision on an application or a condition attached to a permission, he/she may appeal to the PAC. An applicant may also appeal to the PAC where the Council has not determined an application within the relevant period prescribed by the Planning (General Development Procedure) Order (NI) 2015. Appeals must be lodged with the PAC within four months from the date of notification of the Council's decision, or expiry of the prescribed period as the case may be.
- 3.32 Copies of representations will be forwarded to the Planning Appeals Commission (PAC). For hearings and public inquiries, the interested parties have the opportunity to make their views known verbally to the PAC. The guidance on Planning Appeals and the rights of applicants and objectors can be found on the PAC website www.pacni.gov.uk

Community Involvement in Planning Enforcement

- 3.33 The council encourages the community to report cases where they believe there has been a breach of planning control. A breach of planning control occurs when development or other certain activities take place without the necessary planning permission or consent from the Council or the DfI. This may also include failure to carry out development in accordance with the approved plans or conditions.
- 3.34 All planning enforcement related complaints are treated confidentially. If the complaint results in a planning application being submitted, then this will be publicised in the normal manner and adjoining neighbours notified.
- 3.35 In cases where planning enforcement action is taken, complainants are informed of the action. Where no action is taken the Council will also notify the complainant.
- 3.36 The Council's priorities for enforcement action are contained within the Council's Enforcement Strategy which can be viewed on our website www.midulstercouncil.org and can be obtained in hard copy by contacting the Planning Department at 03000 132 132. The Enforcement Strategy is subject to regular review.

Community Involvement in Supplementary Planning Guidance (SPG)

- 3.37 The Council will also prepare non-statutory planning guidance to support its development plan. Supplementary planning guidance includes for example design guides and advice notes. Consultation on SPG will take place in a proportionate manner where the Council feels it will be beneficial to give additional regard to the opinions of stakeholders and the general public. Any comments received will be considered by the Planning Committee. It is not necessary for SPG to go through the public examination process.

Community Involvement in Conservation Area Designation

- 3.38 A Conservation Area is an area of special architectural or historic interest, the character of which it is desirable to preserve and enhance. The Council considers that consultation with, and the involvement of local people is important when undertaking work associated with Conservation Areas. This will help encourage greater ownership of the concept and greater co-operation and commitment to achieving the aims of the designation. The Council will involve the community in the designation, variation or cancellation of a Conservation Area. This will entail formal consultation with the Historic Environment Division (HED) in what will be the new Department for Communities (DfC). Any alterations to existing Conservation Areas or designation of new Conservation Areas will be advertised through local press (The Mid Ulster Mail and Tyrone Courier are the publications used by Mid Ulster Council). Where appropriate public meetings will be held to discuss and present proposals.

Community Involvement in the Designation of a Simplified Planning Zone

- 3.39 If the Council proposes to commence work on a simplified planning zone it will undertake consultations with the neighbouring District Council, the land owner and occupier, the DfC and will notify the DfL.
- 3.40 Once details of a scheme have been prepared the Council will make copies available for inspection at the Council's office, give notice by way of an advert in the local press (The Mid Ulster Mail and Tyrone Courier are the publications used by Mid Ulster Council) and on the Council's website www.midulstercouncil.org, and will serve a notice on those it has consulted with.
- 3.41 Following advertising of the proposed planning zone(s) details there will be an eight week period when representations can be made to the Council. If the Council subsequently decides not to proceed with the proposed planning zone it will publish a further advertisement to that effect and will notify all those have made representations.

- 3.42 The Council may cause an independent examination to be held to consider the representations received. Where it is proposed to hold an independent examination details including the time and place of the examination will be published in the local press. Where it is decided not to hold an independent examination the Council will notify all those who have made representations.
- 3.43 Following the independent examination the Council will produce a report and statement detailing its decision and outlining reasons for its decision. Notice of publication will be advertised in the local press and the report and statement will be available for public inspection in the Council offices.

Review of the Council's SCI

- 4.0 The body of the SCI will also be reviewed annually to ensure fitness of purpose and to take account of major Legislative changes where relevant.
- 4.1 Where groups or bodies want to be added to the lists of consultees included in Appendix 1 they are advised to make a submission in writing or by email to the planning Department in the Council:

By email: planning@midulster.org

By post to: Mid Ulster Development Plan Team, Mid Ulster District Council, Magherafelt Office, 50 Ballyronan Road, Magherafelt, Co. Derry, BT45 6EN.

Any requests received will be considered.

APPENDIX 1

APPENDIX 1

MID ULSTER STATEMENT OF COMMUNITY INVOLVEMENT

GROUPS TO BE CONSULTED WHEN PREPARING THE NEW LDP

LIST 1: STATUTORY CONSULTATION BODIES

LIST 2: LOCAL COMMUNITY/VOLUNTARY GROUPS IN MID ULSTER

LIST 3: SECTION 75 GROUPS

NOTE: The Council's consultation list is reviewed on a biennial basis to ensure it remains relevant to our functions and policies. At any time individuals and organisations can request to be added or removed from our list of consultees.

LIST 1: STATUTORY CONSULTATION BODIES

- 1.** Northern Ireland Government Departments.
- 2.** Armagh, Banbridge & Craigavon Borough Council

Fermanagh & Omagh District Council
Derry City & Strabane District Council
Causeway Coast & Glens Borough Council
Mid & East Antrim Borough Council
Antrim and Newtownabbey Borough Council
- 3.** A water or sewerage undertaker.
- 4.** The Civil Aviation Authority.
- 5.** The Northern Ireland Housing Executive.
- 6.** Any person to whom the electronic communications code applies by virtue of a direction given under section 106(3) of the Communications Act 2003(1).
- 7.** Any person to whom a licence has been granted under Article 10(1) of the Electricity (Northern Ireland) Order 1992(2).
- 8.** Any person to whom a licence has been granted under Article 8 of the Gas (Northern Ireland) Order 1996(3).

LIST 2: LOCAL COMMUNITY/VOLUNTARY GROUPS IN MID ULSTER

ARTS ORGANISATIONS

1. 1st Tyrone Scout Gr+C3:C268
2. Annaginny Farm
3. Ballinderry AOH
4. Ballybriest Pipe Band
5. Clogher Valley Outdoor Bowling Federation
6. Coagh Ladies Time & Talent Group
7. Coalisland Parochial Bowling Club
8. Crossdernott Bowling Club
9. Cullenfad Pipe Band
10. Culnady Girls Brigade
11. Derryoghill Flute Band
12. DU Dance NI
13. Dungannon Choral Society
14. Dungannon Golf Club
15. Dungannon Music & Drama Festival Association
16. Dungannon Rugby Football Club
17. Dungannon United Youth
18. Dungannon West Com Bowling
19. Eglisk St Patricks GAC
20. Gig in the Bann Festival
21. Institute of Irish Leadership
22. Irish Language Group
23. Killymuck Sons of the North
24. Maghera & District Gardening Group
25. Maghera Historical Society
26. Mid Ulster School of Music
27. Moneymore Art Group
28. Moy & District Ploughing Association
29. Moy Circle of Friends
30. Moy Tirnanog GFC
31. Newmills Vintage Club
32. Rén-Bu-Kan Judo Club
33. Sperrin Choir
34. Tamnamore Cosy Corner Craft Club

35. The Bridge Singers
36. The Sports Complex
Management Group
37. Valley Voices Community Choir

BUSINESS INTERESTS

1. JigSaw Planning

CHARITABLE GROUPS

1. Ballinderry Rivers Trust
2. Clogher Valley Sure Start
3. Cruse Bereavement Care (NI)
4. Home Start Armagh & Dungannon
5. Marie Curie - Funding Office
6. Olive Branch Centre & Charity Shop
7. Parkanaur College

8. River Blackwater Trust
9. Speedwell Trust
10. Ursula Mackle

CLERGY

1. An Invitation to Love Jesus/The Gathering Place
2. Church of Ireland Castlecaulfield
3. Church of Ireland Killyman
4. Church of Ireland Maghera
5. Desertmartin Parish Church (COI)
6. Presbyterian Church Castledawson

7. Presbyterian Church Dungannon
8. Reformed Baptist Church Magherafelt
9. Roman Catholic Church Aughnacloy
10. Roman Catholic Church Draperstown
11. Roman Catholic Church Eglisli
12. Roman Catholic Church Bellaghy

COMMUNITY ASSOCIATIONS

1. Ardboe Credit Union
2. Ballygawley Area Dev Assoc.
3. Bann Valley Community Group
4. Benburb & District Community Association
5. Bernie Sonner
6. Bonn and District Community Association
7. Caledon Regeneration Partnership
8. Castledawson Royal British Legion
9. CDM Community Transport
10. Clogher Cathedral Parish (COI)
11. Clogher Development Association
12. Club Áige Luraigh
13. Cookstown & Western Shores Area Network
14. Cookstown and Community Police Liason Committee
15. Cookstown Enterprise Centre Ltd
16. Cookstown North Community Group
17. Cookstown North Community Group
18. Costa
19. CWSAN
20. Derganagh Taining and Development Association
21. Desertmartin Community Development Ltd
22. Dungannon Enterprise Centre
23. Fivemiletown Chamber Of Commerce
24. Fivemiletown Community Development Association
25. Fivemiletown Methodist Hall
26. Gortalowry House Projects Ltd
27. Innishrush Community Group
28. Kingsmills Coordinating Committee
29. Lissan Leisure Club
30. Loughlinsholin Community Group
31. Maghera Parish Caring Association
32. Megargy Cultural and Community Group
33. Mowillian Hall Development Association
34. Moygashel Community & Cultural Association
35. Moygashel Residents Association
36. NI Ex Firefighters Association
37. Open Doors Club, Swatragh
38. Pomeroy Afterschool
39. Pomeroy Credit Union
40. Rural Community network
41. Sandholes Community Group

42. Sandholes Community Group
43. Servite Order NI
44. Stevenson Community Projects
45. TABBDA (Trad, Ballyronan, Ballinderry Development Association)
46. Tamlaght O'Crilly Historical Society
47. Tamnamore Community Development Association
48. The Rowan Tree Centre Pomeroy
49. Upperlands Luncheon Club
50. Workspace Draperstown

CULTURAL AND HISTORICAL SOCIETIES

1. Carricklongfield Cultural group
2. Clogher Historical Society
3. Coagh & District Local History Group
4. Coalisland & Clonoe Cultural & Historical Society
5. Cookstown Local History Group
6. Donaghmore Historical Society
7. Donaghmore Historical Society
8. Moygashel Ulster Scots
9. Muintirevlin Historical Society
10. O'Neill Historical Society
11. Stewartstown & District Local History Society
12. Stewartstown and District Local History Society

HEALTH AND WELLBEING GROUPS

1. Alzheimers Society
2. Breakthru
3. Disability Action
4. Dungannon Talking Newspaper
5. Emergency Medical Supplies
6. Mid Ulster Victims Empowerment
7. Networks Involving Communities in Health Improvement (NICHI)Project

8. Shopmobility Mid-Ulster
9. Superstars

OLDER PEOPLES GROUPS

1. Ardtrea&Desertcreat Senior Citizens Group
2. Arthritis Care Cookstown
3. Dungannon & District 50+ Club
4. Moygashel Senior Citizens
5. O4O
6. Recycled Teenagers Club
7. The Evergreens
8. The Monday Club
9. Tuesday Club

POST PRIMARY SCHOOLS

1. Northern Regional College
2. St Mary's College
3. St Mary's Grammar School
4. St Pius X High School
5. South West College
6. Holy Trinity College
7. The Royal School
8. Aughnacloy College
9. Integrated College Dungannon
10. Tamnamore Learning Centre

PRE SCHOOLS

1. Brocagh Playgroup
2. Discovering Kids Playgroup
3. Happy Days Playgroup
4. Kidd-Z-Play Nursery Ltd

5. Laughterland
6. Lissan Cross Community Playgroup
7. Little Acorns Playgroup
8. Little Flower Clonoe
9. The Happy Days Nursery
10. The Kidz Lodge
11. Tober Tinys Community Playgroup
12. Union Road Mums and Tots Magherafelt

PRIMARY SCHOOLS

1. Ampertaine Primary School
2. Aughnacloy Primary School
3. Bellaghy Primary School
4. Bush Primary School
5. Churchill Primary School
6. Cookstown Primary School
7. Donaghmore Controlled Primary School
8. Fivemiletown Primary School
9. Gaelscoil Aodha Rua
10. Howard Primary School
11. Laghey Primary School
12. Lisferty Primary School
13. Lissan Primary School
14. Moneymore Primary School & Nursery Unit
15. New Row Primary School
16. Orritor Primary School
17. Queen Elizabeth II Primary School Pomeroy
18. Spires Integrated Primary School
19. St. John's Primary School
20. St. John's Primary School
21. St. John Bosco's Primary School
22. St. Joseph's Primary School
23. St. Joseph's Primary School
24. St. Macartan's Primary School
25. St Malachy's Primary School
26. St Mary's Primary School
27. St. Mary's Primary School
28. St. Mary's Primary School
29. St. Mary's Primary School

30. St. Mary's Primary School
31. St. Mary's Primary School
32. St. Mary's Primary School
33. St Patrick's Primary School
34. St Patrick's Primary School
35. St Patrick's Primary School
36. St Patrick's Primary School
37. Tobermore Primary School

SPORTS GROUPS

1. Bancran Tug of War
2. Carn Wheelers Cycling Club
3. Coagh Sports Centre
4. Cookstown Cricket Club
5. Cookstown Olympic FC

6. Cookstown Rugby Club
7. Desertmartin Football Club
8. Fallaghloon Dance Club
9. Field Hockey Club
10. Fr Rocks GFC
11. Fr Rocks GFC
12. Kildress Bowling Club
13. Killymoon Golf Club
14. Loup GFC

15. Maghera Snooker Club
16. Magherafelt & District Road Safety
17. Mid Ulster Indoor Bowls Convener
18. Moneymore Presbyterian Bowling Club
19. Moyola Park Golf Club
20. Pearses GAC Kilrea
21. Pomeroy Plunketts GAC
22. Robert Emmets GAC Slaughtneil
23. St Colms GAC Ballinascreen
24. St Malachy's GAC Castledawson
25. St Michael's GAC Lissan
26. St Oliver Plunkett GAC
27. Take a Bow Archery Club

28. Tobermore United Football club
29. Wolfe Tones GAC Bellaghy
30. Stewartstown Harps GFC

WOMENS GROUPS

1. Bush Womens Group
2. Cookstown & District Women's Group
3. Drumglass Mother's Union
4. First Steps Womens Centre
5. Granaghan and District Womens Group
6. Mid-Ulster Women's Aid
7. Pomeroy WI
8. Soroptimist International

YOUTH GROUPS

1. Derryloran Cub Scout Pack
2. First Cookstown Scout Group
3. Fivemiletown United Youth
4. Kildress Youth Club
5. Krafty Kidz
6. Magherafelt Youth Centre
7. Road Engines Youth Club
8. Ross Miotti
9. St Johns Junior Youth Club
10. Three Spires Scout Group
11. Woodschapel Beaver Scouts

LIST 3: SECTION 75 GROUPS

1. Action on Hearing Loss
2. Age UK – Northern Ireland
3. An Tearman
4. Aware NI
5. Barnardos
6. British Deaf Association
7. Business in the Community
8. Cara-Friend
9. Carer's National Association NI
10. Child Care NI
11. Children's Law Centre
12. Children in Need
13. Citizens Advice
14. CINI
15. Chinese Welfare Association
16. Commissioner for Older People in NI
17. Committee on the Administration of Justice
18. Community Disabled & Retired Association
19. Community Foundation Northern Ireland
20. Community Relations Council
21. Contact Northern Ireland
22. Cookstown Chamber of Commerce
23. Cookstown PCSP
24. Cookstown Enterprise Centre
25. Cookstown and Dungannon Clergy Forum
26. Co-Operation Ireland
27. CWSAN
28. Council for the Homeless Northern Ireland
29. Cruse Bereavement Care (NI)
30. Democratic Unionist Party
31. Disability Action
32. Down's Syndrome Association
33. Dungannon SVDP
34. Dungannon Art Disability Stakeholder Forum
35. Dungannon Vineyard
36. Dungannon Churches Forum
37. Dungannon Clergy Forum
38. Dungannon First Steps Women's Group
39. Dungannon & Cookstown Women's Aid
40. Dungannon STEP Migrant Forum
41. Dungannon LARG Disability Group
42. Dungannon Youth Forum
43. Early Years
44. Employer's for Disability NI
45. Employers for Childcare

46. Equality Coalition
47. Equality Commission for Northern Ireland
48. Equality Forum NI
49. Foster Care Support Group
50. Foras na Gaelige
51. General Consumer Council
52. Gingerbread NI
53. GMB
54. Guide Dogs for the Blind Association
55. Housing Rights Service
56. ICTU
57. Information Commissioners Office
58. Irish Congress of Trade Unions
59. Law Centre NI
60. Lesbian Advocacy Services Initiative
61. Lesbian Line
62. Local Government Staff Commission
63. Loup Women's Group
64. Mencap
65. Men's Action Network
66. Mid-Ulster Women's Network
67. Mind Wise
68. Muslim Family Association NI
69. National Children's Bureau
70. NIACRO
71. NIPSA
72. Northern Ireland Anti-Poverty Network
73. NIAMH
74. NICCY
75. NICEM
76. NICVA
77. NIPSA
78. Northern Ireland Dyslexia Association
79. Northern Ireland Human Rights Commission
80. Northern Ireland Youth Forum
81. Executive Office – Equality Unit
82. Commissioner for Older People
83. Parenting NI
84. Parents Advice Centre
85. Participation Network
86. Playboard
87. Play NI
88. Polish Association NI
89. Praxis Care
90. Probation Board Northern Ireland
91. Queer Space
92. Rainbow Project
93. Royal National Institute for Blind
94. Royal National Institute for Deaf People
95. Rural Community Network

96. Rural Development Council
97. Samaritans
98. Save the Children
99. Sense NI
100. Simon Community NI
101. Sinn Féin
102. Social Democratic and Labour Party
103. Talking Newspaper Association
104. The Cedar Foundation
105. The Consumer Council
106. Training for Womens Network
107. Ulster Scots Agency
108. Ulster Supported Employment Ltd
109. Ulster Unionist Party
110. UNISON
111. Unite
112. Victim Support NI
113. Volunteer Now
114. William Keown Trust
115. Women into Politics
116. Women's Resource and Development Agency
117. Women's Support Network
118. Women's European Platform
119. Women's Aid NI
120. Youth Action
121. Youth Council for Northern Ireland
122. Youth Link Northern Ireland
123. Youth Net
124. COSTA

APPENDIX 2

APPENDIX 2

MID ULSTER STATEMENT OF COMMUNITY INVOLVEMENT

GROUPS TO BE CONSULTED WHEN DETERMINING A PLANNING APPLICATION (Where appropriate in accordance with The Planning (General Development Procedure) (Amendment) Order (Northern Ireland) 2016)

LIST 1: STATUTORY CONSULTEES

1. Department for Communities (DfC)
2. Health and Safety Executive for Northern Ireland (HSENI)
3. Department for Infrastructure (DfI) or Water Undertaker as defined under Article 13 of the Water and Sewerage Services (NI) Order 2006
4. Licensed Aerodomes
5. Department of Agriculture, Environment and Rural Affairs (DAERA)
6. Department for the Economy (DfE)
7. Northern Ireland Housing Executive (NIHE)
8. Department for Infrastructure (DfI)

Note: There will be cases where non-statutory consultees may need to be consulted. Non-statutory consultees are not bound by the 21 calendar days for a response.

Report on	Conferences, Seminars & Training
Date of Meeting	23 August 2018
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	Provide an update on seminars and conferences received. To seek approval for attendance and the payment of registration/ attendance fees and associated costs, as incurred.
2.0	Background
2.1	Costs associated will be set against 2018-19 member Conference, Seminar and Training allocations.
3.0	Main Report
	The following seminar/ conference sessions and member training requests presented for consideration of representation from Mid Ulster Council.
3.1	Approval for Consideration of Attendance by Members
3.1.1	Conferences & Seminars
	RTPI NI Planning Conference – Excellence in the Ordinary
	<ul style="list-style-type: none"> Tuesday 11 September 2018 Europa Hotel, Belfast Cost £80 + VAT + travel and subsistence (3 places for price of 4)
	MILNE Funeral Services – End of Life Care Conference
	<ul style="list-style-type: none"> Wednesday 12 September 2018, Seagoe Parish Centre, Portadown No conference fee, travel and subsistence
	DTNI Community Expo 18: Community Ownership – A movement for Social Change
	<ul style="list-style-type: none"> Wednesday 19 September 2018, Duncairn Centre, Belfast Cost £60 plus travel and subsistence
	NILGA Developing a Safe and a Just Community
	<ul style="list-style-type: none"> Friday 28 September 10am – 1.30pm, The City Hotel, Derry – Londonderry No conference fee, travel and subsistence

3.1.2	Member Training Requests None
3.2	Officer Approvals There are occasions when it is beneficial to the organisation for Officers to attend conferences and seminars. Approval is sought for attendance as detailed in Appendix B to this report.
4.0	Other Considerations
4.1	Financial, Human Resources & Risk Implications
	Financial: Costs will be set against Members 2018/2019 conference/seminar/training allocation. Any cost above allowance will be incurred by Member
	Human: N/A
	Risk Management: N/A
4.2	Screening & Impact Assessments
	Equality & Good Relations Implications: None
	Rural Needs Implications:
5.0	Recommendation(s)
5.1	Approval for attendance at the conferences, seminars and training by members and council officers as required.
6.0	Documents Attached & References
	Appendix A Member Conferences, Seminars & Training Appendix B Officers Conferences



Anthony Tohill
 Chief Executive's Office
 Mid Ulster District Council
 70 Burn Road
 Cookstown
 BT80 8DT

2nd August 2018

DTNI Community Expo 18:
Community Ownership – A Movement for Social Change

Dear Anthony

I would like to extend a personal invitation to you or a colleague to attend the forthcoming DTNI Community Expo at **Duncairn Centre, Belfast; Wednesday 19th September**

Conference will consider and debate action for social change. It will reflect on emerging thinking and practice that is driving local economic development across the UK and present recommendations on what needs to be done to drive change in NI.

Conference will consider how asset-based community development is key to engaging and mobilising civil society.

Delegates will consider the need for legislative change in NI and debate the advancement of a Community Rights framework providing citizens with legal provision:

- to support the transfer of surplus public properties to communities;
- to own land, buildings and other assets;
- to participate in the process to design public services and;
- to challenge for the right to deliver those services to their communities.

The Expo will also celebrate the role of community development activists and how, as social change agents, they facilitate the empowerment of citizens to shape the spaces they live in, challenge the status quo and speak truth to power.

Keynotes

Lesley Riddoch is an award-winning journalist, commentator and broadcaster who writes regularly for the Scotsman, the Sunday Post and Guardian amongst others, and runs her own independent radio and podcast company, Feisty Ltd.

She has recently piloted a documentary series entitled 'NATION' which profiles the small but successful northern European nations neighbouring Scotland.

Lesley will reflect on land reform and community ownership across rural Scotland and consider the lessons therein for social activists in NI.

Neil McInroy is the CEO of the Centre for Local Economic Strategies, a Manchester-based think-and-do tank. A leading commentator on economic development he has been involved in public sector policy and delivery for over 25 years.

Neil will present on the NI Charter for Local Economies, a joint initiative between CLES and DTNI which provides a framework for the actions needed to create resilient local economies.

Sarah Longlands is Director of IPPR North, the north of England branch of the IPPR progressive think tank. She is an expert in regional and local economic development, place and planning, participative democracy and civil society.

Sarah will present on the work of IPPR North and its critique of social and economic policy across the north of England as well as emerging trends in civil action that are driving change across the UK.

Matthew McKeague is CEO at the Architectural Heritage Fund,

His areas of expertise are regeneration, social enterprise and social impact measurement and his innovative ideas for historic churches, led him to become involved in many high-profile regeneration projects.

Matthew will address the theme of built heritage and the inclusion of local communities as owners of heritage to support sustainable development.

The work of your council is highly relevant to the aims of the conference and we are keen to involve you in these important conversations.

The conference also presents an opportunity for Mid & East Antrim Borough Council to have an exhibition stand.

If you or a colleague would like to attend the Expo either as delegate or exhibitor, please register with Stevie McGirr at admin@dtni.org.uk

Kind regards



CHARLIE FISHER

Programme Manager

DEVELOPMENT TRUSTS NI

Northern Ireland Planning Conference *Excellence in the Ordinary*

Delivering quality places for communities is not always about creating world class statement buildings and spaces. Everyday places are important to our communities and businesses. Creating excellence in the ordinary is what planners and the planning system must deliver.

This year's Northern Ireland Planning Conference will explore the creation of strong quality communities.

www.rtpi.org.uk/northernireland

**Tuesday 11
September
2018**

**Europa Hotel,
Belfast**

Prices

Conference Price: £80.00+VAT - £96.

Discount Rate for RTPI Student, Licentiate or unwaged members - £50+VAT - £60

Organisations booking 3 places will get a fourth place free (cheapest place is free)

Sponsored by:



Programme

Confirmed and invited speakers for the Conference programme are:

10.00 Conference Opening

Welcome: Judith Winters, Chair RTPI NI

Keynote Speech: Katarina Godfrey, (incoming) Permanent Secretary, Department for Infrastructure (invited)

Achieving Excellence for the Everyday: Wendy Maden, Design Adviser, Design Commission for Wales

Masterplanning – the Birmingham Experience - Birmingham City Council (invited)

Victoria Hills, RTPI Chief Executive

Planning and the Location of Development: James Harris, RTPI

Data driven approaches to urban planning and design – Using experience from Derry/Londonderry in LDP development: Anna Rose, Director, Space Syntax

A case study in place making: East Bank, Belfast: Arup

Breakout Seminars

There will be a programme of seminars to select from including:

The local plan journey, our practical experience and learning in three simple steps

Exploring Hearings

Sustainable Drainage Systems (SuDS)

A discussion group for Councillors

For further information and to book a place go to: www.rtpi.org.uk/northernireland

MILNE

FUNERAL SERVICES



End of Life Care Conference

12TH SEPTEMBER 2018

09:15 – 12:30

Seagoe Parish Centre, Portadown

This **FREE** half day event is open to all professionals, carers, and relatives involved in the provision of end of life care.

Come along and hear a variety of presentations on this complex topic. Refreshments and an opportunity to network will be provided.

RSVP: by **31st August 2018**

Phone: 028 3833 8888

Email : ianmilne@milnefuneralservices.co.uk



Conference Times

registration @ 09:15

closure @ 12:30

Guest speakers

Dr Sean McGovern

MB BCH FRCSI FRCEM

Grace Stewart

Head of Children's Hospice Services

Mr Paul Finnegan

Cruse Bereavement Care NI

Kate Ervine

JPH Law

Irvine Grey

Author & Religious Commentator

Contact

Milne Funeral Services

59 Seagoe Road, Portadown, BT63 5HS

028 3833 8888

ianmilne@milnefuneralservices.co.uk

Save the Date

JOIN US AT

The City Hotel, Derry-Londonderry

Friday 28th September | 10.00am – 1.30pm

NILGA, in association with the Department of Justice for Northern Ireland, invites you to the:

Developing a Safe and a Just Community summit to address:

- Tackling paramilitarism and embedding a culture of lawfulness
- Reducing offending
- Working in partnership: Policing & Community Safety within the community planning approach

Why Attend?

Elected members, council officers and partner agencies are invited to attend and share their ideas on how the partnership relationship between central and local government and partner agencies can be enhanced on justice and community safety issues, how local government can assist in driving delivery of the 'ending the harm' policies, and to consider how to move forward, pre- and post- the 2019 local government election, to further embed community safety in the framework established by the Programme for Government and council-led community planning.

To reserve your place please contact:

Amy McGrath on a.mcgrath@nilga.org or call 02890 798972

For further information please contact:

Karen Smyth on k.smyth@nilga.org or call 02890 798972

Developing a Safe and a Just Community

28th September 2018

Draft Agenda

Time	Topic	Speaker
9.30 – 10.00	Registration and Networking	
10.00 - 10.10	Welcome from the Mayor	Cllr John Boyle
10.10 - 10.25	NILGA Business	Derek McCallan, CEO, NILGA NILGA Office Bearers
10.25 – 10.50	Making our community safer – tackling paramilitarism and embedding a culture of lawfulness	Anthony Harbinson, Director of Safer Communities, DoJ
10.50 – 11.20	Panel Debate Working in partnership to end the harm	Anthony Harbinson, SOLACE rep, PSNI rep, Paul Smyth (Stop the Attacks)
11.20 – 11.30	“Views from the floor”	
11.30 – 11.45	Coffee Break	
11.45 – 12.05	<i>Reducing offending, increasing opportunity</i>	<i>Senior DOJ/Prison service speaker</i>
12.05 – 12.30	Panel Debate Working in Partnership; community planning and PCSPs as key drivers for reducing offending	DoJ rep SOLACE rep PCSP officer Amanda Stewart, CEO NI Policing Board PSNI rep
12.30 – 12.40	Next Steps for PCSPs and councils	Derek McCallan, CEO, NILGA
12.45	Lunch	

Conference & Seminar	Date	No. of Attendees	Location	Attendance Fee (Yes/ No)
RTPI Conference	11th Sept 18	4	Belfast	Yes - 4 for cost of 3

Report on	Consideration of Requests for Civic Recognition
Date of Meeting	Thursday 23 August 2018
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><tr><td>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</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	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
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						
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						

2.3	<u>Processing the Request</u> <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
2.4	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.
3.0	Main Report
3.1	Implementation of the policy facilitates the Council in acknowledging the achievements of organisations and persons from the district, as put forward by members.
3.2	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.
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

August 2018 - Requests for Civic Recognition Submitted: For Approval

Category: Civic Honour

Proposed Recipient	Achievement	Submitted by	Condition/Criteria Met	Recipient Previously Acknowledged
None				

Category: Civic Reception

Proposed Recipient	Achievement	Submitted by	Condition/Criteria Met	Recipient Previously Acknowledged
Tomneys Bary	Irish Pubs Global Pub of the Year: Ulster	Cllr Mullen	<ul style="list-style-type: none"> Won competition at the highest level at a NI or Provincial level at the highest level of competition 	For: N/A Date: N/A
Darren Bell	Down the Line – Clay Pigeon Competition <ul style="list-style-type: none"> Runner up European Champion NI and participant in five man team NI High Gun over 2 days 	Cllr Wilson Cllr Forde	<ul style="list-style-type: none"> Represented NI at a European level 	For: N/A Date: N/A
Bernard Cassidy	Down the Line – Clay Pigeon Competition <ul style="list-style-type: none"> Overall Runner up & Senior Runner Up European Champion 	Cllr Wilson Cllr Forde	<ul style="list-style-type: none"> Represented NI at a European level 	For: N/A Date: N/A

	<ul style="list-style-type: none"> NI High Gun over 2 days 00 			
Neville Bradley	Down the Line Clay Pigeon Competition <ul style="list-style-type: none"> Senior High Gun in International Shoot in GB Northern Ireland High Gun Northern Ireland Senior High Gun Silver Medal 5 man team European Championship 	Cllr Wilson Cllr Forde	<ul style="list-style-type: none"> Represented NI at a European level 	For: N/A Date: N/A
William Armstrong	Down the Line Clay Pigeon Competition <ul style="list-style-type: none"> Silver Medal 5 Man team European Championship 	Cllr Forde	<ul style="list-style-type: none"> Represented NI at a European level 	For: N/A Date: N/A

Other: Letter from Council Chair

Where it is deemed that conditions/criteria have not been met for a civic reception, civic award or chair & deputy chair reception a letter from the Council Chair is recommended. This may also be in instances where recipients have previously received a reception or award for the same or similar achievement.

Proposed Recipient	Achievement	Submitted by
Steelweld Fabrications	Celebrating 35 years in business	Cllr McNamee
Milan@Moy	Celebrating 20 years in business	Cllr Mullen
PBs Moy	Celebrating 70 years of business	Cllr Mullen

Report on	Consultations notified to Mid Ulster District Council
Date of Meeting	23 August 2018
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 which 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 Justice	Draft Northern Ireland Modern Slavery Strategy 2018-2019	Section 12 of the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015 requires the Department of Justice (DOJ) to produce an annual modern slavery strategy for Northern Ireland. The Department are consulting on the proposed draft of the third strategy.	18 October 2018	
	Link to Consultation	https://www.justice-ni.gov.uk/consultations/draft-modern-slavery-strategy-2018-19		
	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
NI Local Government Association	Devolution Within Northern Ireland	The purpose of the consultation is to inform future and existing legislative and resource actions to enhance the role of Councils in NI and to take actions with partners in government and more widely to strengthen the sustainability and value of local government in NI.	28th September 2018	Yes
	Link to Consultation	https://www.nilga.org/		
	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 Justice	Consultation on Unduly Lenient Sentences (ULS)	The Department is publishing this consultation paper as a response to the recommendation from the Fresh Start Panel on the addition of terrorist/organised crime offences to the ULS provisions.	2 October 2018 (5pm)	
	Link to Consultation	https://www.justice-ni.gov.uk/consultations/consultation-unduly-lenient-sentences		
	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
NI Housing Executive	Community Involvement Strategy 2018-2023	This new strategy sets out what NIHE plan to do and in partnership with our tenants, residents, leaseholders, community representatives and key stakeholders.	18th October 2018	
	Link to Consultation	https://www.nihe.gov.uk/index/corporate/consultation.htm		
	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)			

