



24 May 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, 24 May 2018 at 19:00 to transact the business noted below.

Yours faithfully

Anthony Tohill
Chief Executive

AGENDA

OPEN BUSINESS

1. Apologies
2. Chair's Business
3. Declarations of Interest
4. Deputation: Invest NI

Matters for Decision

- | | | |
|-----|--|-----------|
| 5. | Council minutes of meeting held on 26 April 2018 | 5 - 28 |
| 6. | Planning Committee minutes of meeting held on 1 May 2018 | 29 - 78 |
| 7. | Policy & Resources Committee minutes of meeting held on 3 May 2018 | 79 - 88 |
| 8. | Environment Committee minutes of meeting held on 8 May 2018 | 89 - 104 |
| 9. | Development Committee minutes of meeting held on 10 May 2018 | 105 - 120 |
| 10. | Conferences, Seminars and Training | 121 - 132 |
| 11. | Consideration of requests for civic recognition | 133 - 138 |
| 12. | Response to Consultation on Early Years Special Education Needs | 139 - 142 |
| 13. | Community Plan: Short Term Action Plan | 143 - 180 |

Matters for Information

- | | | |
|----|--------------------------------|-----------|
| 14 | Consultations notified to MUDC | 181 - 184 |
| 15 | Correspondence | 185 - 190 |

Notice of Motions

- 16 Councillor Wilson to move
This Council recognises the introduction of Government funding in England and Wales to cover the funeral costs of children. We recognise that in the absence of a functioning government in Northern Ireland such action cannot yet be introduced regionally. Mid Ulster Council therefore resolve that until the introduction of a regional initiative council will waive all costs normally associated with the provision of a grave for children under 18 years of age.
- 17 Councillor McPeake to move
That this Council convenes a working group to develop proposals for Broadband enhancement within the Mid Ulster area.
- 18 Councillor Cuthbertson to move
That Mid Ulster District Council, requests an urgent joint meeting with Senior Department for Infrastructure Transport NI Officials and Representatives of the Gas to the West, to discuss the serious impact the road closures, as a result of the on going works, is having on traffic in Dungannon.

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

19. Council meeting confidential minutes of meeting held on 26 April 2018
20. Planning Committee confidential minutes of meeting held on 1 May 2018
21. Policy and Resources committee confidential minutes of meeting held on 3 May 2018
22. Environment Committee confidential minutes of meeting held on 8 May 2018
23. Special Planning Committee confidential minutes of meeting held on 9 May 2018
24. Development Committee confidential minutes of meeting held on 10 May 2018
25. Rural Development Programme - Rural Services
26. Briefing - Chief Executive
27. Document for Sealing: Revocation Order in relation to Planning Permissions I/2005/0118/0 and I/2008/0310/RM in respect of lands 50m east and south east of number 20 Loughdoo Road, Cookstown

Matters for Information

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

Chair: Councillor Ashton

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

Officers in Attendance: Mr Tohill, Chief Executive
Dr Boomer, Planning Manager
Ms Canavan, Director of Organisational Development
Mr Kelso, Director of Public Health & Infrastructure
Mr McCreesh, Director of Business & Communities
Ms Mezza, Head of Marketing & Communications
Mr P Moffett, Head of Democratic Services
Mrs Forde, Member Support Officer

The meeting commenced at 7pm

C78/18 Apologies

Councillor Robinson

C79/18 Declarations of Interest

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

C80/18 Chair's Business

The Chair, Councillor Ashton advised that agenda item 24 would be taken prior to item 23.

The Chair, Councillor Ashton paid tribute to the Economic Development and Tourism staff for the success of the recent visit of a delegation from Hong Kong.

The Chair, Councillor Ashton referred to the meeting on Monday 23 April 2017 with representatives of the Health and Social Services Trust in relation to the current situation with General Practitioner Practices. The Chair stated that the outcome had not been positive.

Councillor Wilson advised that the provision of health care in Cookstown was in real difficulties and that over the past few years Members had worked with both Health

and Social Care Trusts' to create a better vision for health care across Mid Ulster. He referred to the ongoing work of community planning through which he had hoped health care provision would become more strategic and that the situation would improve, yet at a recent meeting involving senior health officials Members had been informed that there had been a business case for four medical hubs of which the Dungannon one would proceed but the planned hub for Cookstown would not be happening in the near future. He said it was in fact be discarded for the next 5-10 years. He stated that representatives of the Trusts' sit on the community planning team yet this fact was not shared and simply goes against good practice. Councillor Wilson proposed that Council seek an urgent meeting with the Permanent Secretary of the Department of Health to discuss the short to medium health plans for the three main towns in Mid Ulster.

The Chair, Councillor Ashton advised that Council had presented a strong case at the aforementioned meeting but the response was it was someone else's departmental responsibility.

Councillor Buchanan welcomed the news of the Dungannon hub but expressed disappointment regarding the decision with regards the Cookstown hub, as the legacy Council of Cookstown had worked for years to progress same.

Councillor McKinney seconded Councillor Wilson's proposal.

Councillor McNamee voiced his support for the proposal

Councillor Monteith requested that if Councillor Wilson was agreeable could the aforementioned proposal include discussion for a short-term project for additional General Practitioners. He stated, that with the best will in the world the hubs will be a medium to long-term project but the area really needed additional GPs. He emphasised that that Members are told they won't come to the area as they want a specialism thus working 2-3 days as a GP and 1-2 in an acute hospital and as there is no acute hospital in Dungannon, the community who has suffered the indignity of no acute services has the further indignity of no GPs.

The Chair, Councillor Ashton called for a vote

For	39
Against	0

Resolved That Council write to the Permanent Secretary for the Department of Health seeking an urgent meeting to discuss short and medium term plans for health provision for the three main towns. Discussion to include short-term project for additional GPs.

Councillor M Quinn requested that the Chair send a letter to the Quinn brothers who were involved in a recent incident on Lough Neagh saving the lives of two men. Councillor M Quinn highlighted the fact that the brothers had recently attended a boat safety course.

Councillor M Quinn condemned the incident in Coalisland during which an elderly lady was robbed and assaulted. He also paid tribute to the local community who had provided great support to the lady at this time.

Councillor M Quinn expressed displeasure regarding a motion, which he had submitted but had not reached the Council papers.

Councillor McGinley concurred with Councillor M Quinn commending the actions of the Quinn brothers and commended the work of Lough Neagh and Ardboe Rescue.

Councillor Doris expressed condemnation regarding the disgraceful attack on a vulnerable pensioner and again highlighted the tremendous community response and appealed for people to supply information in order that the offenders could be brought to justice.

Councillor Reid spoke of the announcements of school closures in the district stating that the proposed closures of primary schools, which were also used in the local community, would be devastating. Councillor Reid proposed that Council write to the Permanent Secretary for the Department of Education and other relevant bodies to seek meetings regarding proposed school closures in the district.

Councillor Glasgow seconded the proposal

The Chair, Councillor Ashton called for a vote

For	39
Against	0

Resolved That Council write to the Permanent Secretary for the Department of Education and other relevant bodies to seek meetings regarding proposed school closures in the district.

In response to Members queries the Head of Democratic Services advised that the papers having been previously published to Members are required to be unpublished on the day of the meeting in order that the 'open business' reports can be made public, thus the CMIS system indicates that an updated version is available to download.

Matters for Decision

C81/18 Receive and Consider Minutes of matters transacted in "Open Business" at the Council meeting held on Thursday 22 March 2018

Proposed by Councillor McGuigan
Seconded by Councillor Wilson and

Resolved: That the Minutes of the Meeting of the Council held on Thursday 22 March 2018 (C54/18 -C70/18 and C77/18) transacted in “Open Business” having been printed and circulated were considered and

C82/18 Receive and Consider Minutes of matters transacted in “Open Business” at the Planning Committee meeting held on Monday 9 April 2018

Proposed by Councillor Gildernew
Seconded by Councillor Reid and

Resolved: That the Minutes of the Meeting of the Planning Committee held on Tuesday 9 April 2018 (P050/18 – P058/18and P064/18) transacted in “Open Business” having been printed and circulated, subject to the foregoing were considered and adopted.

C83/18 Receive and Consider Minutes of matters transacted in “Open Business” at the Environment Committee held on Tuesday 10 April 2018

Councillor McGinley sought an update in relation to item E102/18 Chair’s Business - provision of a halting site for travellers.

In response, the Director of Public Health and Infrastructure stated that a meeting had taken place on 18 April at which there had been discussion regarding suitable sites for provision a halting site for travellers. He advised that he had received an update from the Northern Ireland Housing Executive on 26 April that a site at Traad had been identified and in order to progress a feasibility study would be required. It was proposed by Councillor McGinley and seconded by Councillor McPeake that Council Officers liaise with the Northern Ireland Housing Executive to progress a feasibility study on the site identified at Traad for a proposed halting site for Travellers.

Councillor Wilson drew attention to E116/18 Bank/Public Holiday working Arrangements for 2018/19 - Environmental Services. He advised that he had been contacted by a number of traders requesting that the wintertime opening hours be extended by 30 minutes to permit shops to dispose of waste after closing time. In response, the Director of Environment and Property advised that he would review the timings.

Resolved That the wintertime hours be reviewed to ascertain if opening hours of the recycling centre could be extended by 30 minutes within current resources.

In response to Councillor McGinley’s enquiry in relation to the afore-mentioned proposal the Chair Councillor Kim Ashton called for a vote

For	39
Against	0

4 – Council (26.04.18)

Resolved That Council Officers liaise with Northern Ireland Housing Executive to progress a feasibility study on the site identified at Traad for a proposed halting site for Travellers.

Councillor Molloy drew attention to item E102/18 Chair's Business in relation to signs that had been erected across the district containing threatening language towards staff and councillors and asked if they had been removed. In response, the Director of Environment and Property advised that the signs were not on Council property and thus Council could not remove but confirmed that the PSNI were involved.

Proposed by Councillor McGinley
Seconded by Councillor McNamee and

Resolved: That the Minutes of the Meeting of the Environment Committee held on Tuesday 10 April 2018 (E100/18 – E121/18 and E132/18) transacted in "Open Business" having been printed and circulated were considered and adopted.

C62/18 Receive and Consider Minutes of matters transacted in "Open Business" at the Development Committee held on Wednesday 11 April 2018

Proposed by Councillor McNamee
Seconded by Councillor J Shiels and

Resolved: That the Minutes of the Meeting of the Development Committee held on Wednesday 11 April 2018 (D069/18 – D082/18 and D86/18) transacted in "Open Business" having been printed and circulated were considered and adopted.

C84/18 Receive and Consider Minutes of matters transacted in "Open Business" at the Policy and Resources meeting held on Thursday 12 April 2018

The Chief Executive drew attention to PR075/18 and amended the second paragraph of the minute to read, *"He said that where there has been an issue with the accuracy of the minutes the matter has been referred back to the relevant committee and the committee Members have agreed the wording of the minute."*

Councillor McLean requested that the item PR073/18 Chair's Business page 2, paragraph 2 be amended to read; *"Councillor McLean referred to a meeting last year with representative from DfI Roads Service at which mention was made of an 'app' being promoted (by a private individual) on which issues such as potholes in the area could be notified,...."*

Proposed by Councillor Molloy
Seconded by Councillor Gildernew and

Resolved: That the Minutes of the Meeting of the Policy & Resources Committee held on Thursday 12 April 2018 (PR071/18 – PR082/18 and PR093/18) transacted in “Open Business” having been printed and circulated and subject to the foregoing were considered and adopted.

C85/18 Conferences, Seminars and 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 Approvals

- Rural Society in Transition: Planning for 21st Century Rural Potentials and Challenges - Thursday 26 April 2018 at Crowne Plaza Hotel, Dundalk. No conference fee, travel and subsistence

Retrospective approval for Councillor McPeake

- The Dundalk Widows Group with the support of Cllr. Emma Coffey - The Parliament Qualification of Women Act 1918-2018 - Have Women Qualified?
-
Saturday 5th May 2018, at An Grianan, the I.C.A. headquarters in Termonfeckin, Co. Louth. Conference fee €110 plus travel and subsistence.
- UK and Ireland Lakes Network Conference 2018 - “CONNECTING PEOPLE AND LAKES: PAST AND PRESENT” UK and Ireland Lakes Network (UKILN) - Monday 21st and Tuesday 22 May 2018 at Seamus Heaney HomePlace, Bellaghy. Cost Conference Only £25, conference & tour £50, conference tour and dinner £75, travel and subsistence.
- NILGA in association with Fermanagh & Omagh District Council invites you to the Driving Government Locally Summit - Friday 25 May 2018 10am – 3.00pm at Silverbirch Hotel, Omagh. No conference fee, travel and subsistence

(ii) Officer Approvals

Conference & Seminar	Date	No. of Attendees	Location	Attendance Fee (Yes/ No)
Social Enterprise NI	22/3/18	1	Lisburn	Yes
Freight Transport Association	24/5/18	2	Belfast	Yes

Proposed by Councillor McNamee
Seconded by Councillor McGinley 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.

C86/18 Consideration of Requests for Civic Recognition

The Head of Democratic Services referred Members to the previously circulated report and approval sought for requests for civic recognition from members, in line with Council Receptions Policy.

The Chair, Councillor Ashton advised that two further civic award ceremonies were planned prior to the end of her term in office but that given the number being approved this evening it would not be possible to incorporate them thus they will be honoured by the incoming Chair.

The Head of Democratic Services reminded Members that a new policy on receptions had been considered by Policy and Resources committee and thus had been adopted this evening and advised that a form to complete with short guidance notes would be forwarded to Members in due course.

Proposed by Councillor McGinley
Seconded by Councillor McPeake and

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

C87/18 Revisions to the Protocol for the Operation of the Planning Committee

The Planning Manager drew attention to the previously circulated report to agree amendments to the Protocol for the Operation of the Planning Committee.

The Planning Manager highlighted the key changes to the protocol as outlined at 3.1 of the report and reminded Members that their introduction was to permit the planning committee to expedite its business in a timely manner. In particular, he highlighted the changes to speaking times emphasising that everyone had the right to be heard but that one opportunity should be sufficient and that requests for deferrals would be received in writing.

Proposed by Councillor Mallaghan
Seconded by Councillor Kearney

That Council approve the revisions to the Planning Protocol.

Councillor McLean sought clarity on the three minute speaking time as to whether it also applied to the Planning Manager stating that in his opinion if the case officer presents the case, the Planning Manager is not required to rehearse it again, he also expressed concern regarding planning applications/cases being removed from the agenda immediately prior to the meeting starting He said that agents could often be travelling for example from Belfast and fees were considerable.

In response, the Planning Manager advised that planning legislation was complex and second only to tax law and he had to be mindful that Members needed to be fully appraised in order to reach an informed decision.

Councillor McLean, in referring to last minute withdrawal of applications, stated that the Planning Department should reimburse incurred costs and that it would be a worthwhile exercise to determine over the past year how many applications were withdrawn on the night of a committee meeting.

In response, the Planning Manager stated that it would not be a fair statistic given that the protocol was being amended to permit applicants to write and request further considerations.

Councillor Mallaghan stated that the aforementioned was an unfair attack on the Planning Manager stressing that often it is the agents who bring new information prior to the meeting, which the Planning team have not had time to consider.

The Planning Manager stressed that if there is a request for an application to be withdrawn from the agenda he puts it to the committee thus it is their decision and not his.

Councillor McKinney drew attention to the protocol in relation to Members only speaking once and stated that often it is necessary for a Member to speak for a second time to attain clarity. He stressed that planning was working well and stated that if new evidence is presented it is frustrating if the committee spends perhaps 40 minutes discussing the matter for it then to be pulled.

Proposed by Councillor McKinney
Seconded by Councillor Reid

That the line “Members however should not engage in open conversation with speakers. They should normally only speak once on any application in order to ensure committee business is dealt with in a speed manner. The Chair retains the discretion to curtail members where points are being made repeatedly.” be removed.

In response to Councillor Cuthbertson’s comments in relation to 3.2 and the suggestion of a change of time for the planning committee the Planning Manager advised that no change of time was being proposed within the protocol.

With regard to the proposal for a second opportunity for Members to speak the Planning Manager reminded the meeting that the Chair has the discretion and can and has permitted this. The Planning Manager also advised that often when an application is deferred it comes back as a changed opinion when new information has been considered and this is why often an officer requires more than three minutes to speak. He also reminded Members that Mid Ulster had the highest approval rate in Northern Ireland.

Councillor Reid advised that he would also agree with the request for a second question as sometime something new is brought to the table. He stressed the need for flexibility together with time considerations.

The Planning Manager advised that one of the changes was that agents would not be permitted to speak on a second occasion and the Chair could permit a follow up question.

In response to Councillor McKinney the Planning Manager drew attention to item 19 of the Planning Protocol, in reference to the proposed amendments and read out its content.

Councillor McKinney sought clarity in relation to item 23 and the Planning Manager drew attention to the second bullet point emphasising that there will always be an exception when someone produces revised plans

Councillor McKinney stated that under item 19 if a Member wishes to speak again it is at the Chair's discretion.

Councillor Kearney suggested that the protocol is referred back to the Planning Committee for further discussion.

The Planning Manager reminded Members that the revisions had been discussed at a Member workshop.

Proposed by Councillor Kearney
Seconded by Councillor McAleer

That the revisions to the Planning Protocol be referred back to committee.

Councillor Kearney withdrew as seconder to Councillor Mallaghan's proposal to approve the revisions to the Planning Protocol.

Councillor Bell seconded Councillor Mallaghan's proposal

That Council approve the revisions to the Planning Protocol.

The Chair Councillor Ashton put Councillor Mallaghan's proposal to the vote.

For	24
Against	12
Abstained	3

The Chair declared Councillor Mallaghan's proposal carried.

The Chair, Councillor Ashton called for a vote on Councillor McKinney's proposal

For	10
Against	19
Abstained	10

The Chair, declared the proposal defeated.

Councillor Kearney withdrew his proposal.

C88/18 Mid Ulster Bonfires – Draft Procedures (Reconsideration)

The Chief Executive drew Members attention to the previously circulated report updating Members on the outcome of the call-in of the Council's decision of 22 March 2018.

The Chief Executive outlined that in accordance with Section 41(2) of the 2014 Act, a legal opinion had been obtained from a practising barrister regarding the claim that "the decision would disproportionately affect adversely any section of the inhabitants of the district". He advised that the legal opinion had concluded that the call-in did not have merit.

The Chief Executive advised that in accordance with the Council's standing orders the decision must be reconsidered by simple majority.

Members were requested to reconsider the decision of the Council on 22 March 2018 to implement the Draft procedural Arrangements under options 3 and 4 for the promotion of bonfire safety.

Councillor Wilson stated that whilst he was not a legal expert his reading of the response was that the "*consideration of staff safety was recommended*" and sought clarification. He further commented that the response to the (b) "*that the decision would disproportionately affect adversely any section of the inhabitants of the district*" was a 'complete cop out' that there needed to be further consideration, full consultation and an equality impact assessment carried out.

The Chief Executive stated that Members would be aware that Senior Counsel legal advice stated that the decision was, in effect, one of agreeing to continue to develop policy rather than to definitively settle upon a particular policy.

Councillor Wilson queried if there would be consultation and an equality impact assessment.

Councillor Mallaghan sought clarity as to the cost of the 'call in', in response the Chief Executive advised that to date invoices had not been received.

Councillor Mallaghan stated that this was the third 'call-in' from the formation of the Council and it was always Unionism trying to block progress and reflected back to the rates meeting when Unionists accused Sinn Féin of spending money 'willy-nilly' yet some of them did not even take the opportunity to engage at in the Working Group, where the policy had been discussed. He stated the situation was hypocrisy claiming that the discussion went through a number of channels. Making reference to media coverage he claimed that public opinion was on the side of Council and the vast majority welcomed the decision. Councillor Mallaghan stressed that Unionism needed to show leadership, to go back to the community and say things need to change in the future. Councillor Mallaghan referred to a radio interview when a Member of the Democratic Unionist Party would not condemn the burning of an effigy but the next week had attended the unveiling of an effigy in Stormont.

Councillor McLean stated he would point out a few corrections regarding the comments of the previous speaker. Firstly, he stated the Member spoke of policy yet this was a procedure so the terminology was wrong and he clarified that he had attended the unveiling of an effigy at Stormont the day before the radio comments not the following week.

In relation to comments on leadership, Councillor McLean stated that this procedure was "Nationalism using a sledgehammer to crack a nut", he stressed that Unionism had shown leadership and that taking this Sinn Féin proposed approach would not do any good. Councillor McLean stated that the approach was an undermining of the Unionist culture and reflected on the money being used to promote the Irish language "to stick up our noses". He claimed that he did not need to look over his shoulder and that the Irish language was not a culture thing for Sinn Féin but an election manifesto to be used as a stick to beat Unionism and tramp them into the ground. Councillor McLean stated that Unionist people felt like second-class citizens and asked that the recommendation to be withdrawn to allow Unionist Members to work on the situation within the community.

Councillor Wilson expressed the seriousness of the situation. He stated that work was going on behind the scenes to address the issue but to progress it, these were not the headlines which Unionists needed. He emphasised that they had provided leadership but highlighted that the situation now was that at one of the bonfire sites ramps had been put down and a lady who used a mobility scooter could not get out of her house although this was being addressed. He stated that the Barrister's recommended considerations would not happen before July and stressed that the proposal is withdrawn for community work continue.

Councillor McGinley reflected on comments around the fact that 'this is not a policy' and if not why waste ratepayers money on a call in. He stated he resented the 'crack a nut' analogy as the Council is endeavouring to deal with hate crime and

environmental issues on its own property and this had been a sophisticated process which all had had the opportunity to engage in.

Proposed by Councillor McGinley
Seconded by Councillor McPeake

To progress option 3 and 4 for the promotion of bonfire safety.

Councillor McLean expressed disappointment in the Barrister's lack of clarity regarding the call-in, he said he was aware it was the third call-in but it was an available legal procedure and if Sinn Féin did not try to rule Unionism it would not happen. Councillor McLean stressed he was seeking his own legal opinion on the legal opinion provided to Council.

Councillor Cuthbertson stated that the majority of bonfires were on NIHE property and that the procedure they followed helped and supported the community and the results showed a safe outcome on 11th July bonfires. He stated he had attended a special meeting and outlined why they were not represented on the Bonfire Working Group. He also said there appeared to be working groups for every part of the council, yet members could discuss the issues at recorded meetings. Councillor Cuthbertson stated that all would see the sort of leadership Sinn Féin when it comes to internment bonfires and declared that they would be like "school boys with their tails between their legs" for they had lost the run of both Coalisland and Dungannon.

Proposed by Councillor Cuthbertson
Seconded by Councillor McLean

That Council adopt option 2 and emulate the current policy of the Northern Ireland Housing Executive.

Councillor McGinley stressed that what confused him was that the proposals that go forward do not stop people having bonfires but promotes a mature way to work through the situation. He reflected on the issue raised by himself at the Environment Committee and by Councillor Molloy earlier in the meeting regarding the posters with threatening language towards staff, sub-contractors and Members emphasising that it was a disgrace.

Councillor Molloy stated that he been accused of being out of touch with people in Dungannon but said that there are those who are out of touch with people who use Windmill Wood and cannot access it in July. He also referred to the people who had their properties damaged because of bonfires.

Councillor M Quinn stated that the discussion was in a 'tit for tat' situation and concurred with Councillor McGinley in that the procedures were to look at environmental issues and had nothing to do with eroding anyone's culture. He stressed that he took exception to the claim that Sinn Féin had run Dungannon and Coalisland as such talk did not help anyone. He emphasised that the proposed was a procedure and that Council had waited for years to see what would happen and should now be commended for taking the 'bull by the horns' and getting something

that would both work and would apply to all bonfires. With regard to bonfires in Coalisland he stated he was yet to see a bonfire commemorating internment.

The Chair, Councillor Ashton quoted Standing Orders in relation to call-ins and stressed that the decision had to be taken by simple majority.

The Chair stated that there were two proposals.

Councillor Wilson on a point of clarification asked if Council would be following the legal advice regarding an equality impact assessment.

In response the Chief Executive stated that the decision was that of the Council, Members' had to vote on the proposals, matters may go back to committee and subsequent council ratification but he stressed that Members should be taking into account all matters.

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

For	14
Against	25
Abstained	0

The Chair, Councillor Ashton called for a vote on Councillor McGinley's proposal

For	24
Against	14
Abstained	1

The Chair, Councillor Ashton stated that Councillor McGinley's proposal carried.

Resolved That Council implement the Draft procedural Arrangements under options 3 and 4 for the promotion of bonfire safety.

Councillor McGinley expressed his disappointment in that there was no condemnation except from the Nationalist tradition regarding the aforementioned posters.

Matters for Information

C89/18 Consultations Notified to Mid Ulster District Council

The Head of Democratic Services referred to the previously circulated report providing an update on consultations notified to Mid Ulster District Council since the last meeting of Council.

Councillor Cuthbertson drew attention to the Consultation of the Education Authority regarding Early Years Special Educational Needs. He said that this was an important issue for parents and requested that Council prepare a response.

Councillor Mallaghan concurred with Councillor Cuthbertson and added that the pathway fund regarding early years run over a typical financial year whilst the school year run from September to June and stressed that this was causing budgeting difficulties and requested that Councils response should reflect on this issue.

Councillor M Quinn left the meeting at 8.07pm

Resolved That Council prepare a response to the Education Authority, Early Years Special Educational Needs Consultation the closing date being 24 May 2018.

C90/18 Correspondence

The Head of Democratic Services drew attention to the previously circulated report to update the Council on correspondence received from;

- Patron of Acre Somme Association Lurgan & Brownlow Royal British Legion;
- Correspondence from Permanent Secretary, Department for Infrastructure – A29 Cookstown Bypass

The Chief Executive commented on the response from the Permanent Secretary, Department for Infrastructure - A29 Bypass and stated that it was positive that following a cross party delegation Council had secured commitment for the Cookstown bypass.

Councillor McNamee welcomed the response and expressed concern that Council were told the budget had been redirected to other projects yet after being lobbied there was a U-turn. He stressed whilst this was welcome Council needed to keep the pressure on.

Councillor M Quinn returned to the meeting at 8.11 pm

Councillor Wilson welcomed the news and emphasised that it demonstrated that results were achievable when council worked together.

Councillor Buchanan on behalf of the DUP welcomed the positive news on the Cookstown bypass.

Councillor Cuthbertson drew attention to the correspondence from the Patron of Acre Somme Association Lurgan & Brownlow Royal British Legion and stated the 'Ribbon of Poppies Campaign' is to commemorate the 100th anniversary of the end of the Great War and was in memory of those brave men who fell during World War one. He emphasised that those who fell had come from all side of the community and proposed that Council pledge support, purchase seeds and sow in strategic points, flowerbeds and gateways to the district.

Proposed by Councillor Cuthbertson
Seconded by Councillor Reid

That Council pledge support, purchase seeds and sow in strategic points, flowerbeds and gateways to the district.

The Chair, Councillor Ashton called for a vote on the proposal

For	17
Against	19
Abstain	2

The Chair, Councillor Ashton stated that the proposal had fallen.

Councillor Cuthbertson stated that the result of the vote was disappointing in that all sides and homes had been affected, but the result was not surprising.

C91/18 **Notice of Motion**

Councillor McAleer moved the undernoted motion:

"That Mid Ulster Council rescinds the decision of Council taken to cease maintenance of the old burial grounds after six months' notice is given to the representative Church Bodies, considered and agreed by Environment Committee on 13 March 2018 (minute E095/18- item 1) and ratified at Council Meeting on 22 March 2018 following the request from local communities to have this reconsidered."

Councillor McAleer expressed her thanks to the staff involved in preparing the reports in relation to the burial grounds identified. The Councillor stated that now that maintenance was to cease she had been lobbied by local stakeholders. Reflecting on the legacy Councils decision to continue maintenance on the sites Councillor McAleer stressed that this had been decided because the local community wanted to preserve its history and to do so Council support was necessary. To cease maintenance would lead to the burial grounds becoming 'swallowed up', Councillor McAleer stressed that the grounds were not only a reminder of our own mortality but told the history of the district. She advised she had spoken with former Councillor Pat Daly who in 2009 had requested a report on non-Council owned sites, Councillor McAleer advised she had sourced minutes from that era which showed that the matter was to be discussed in 2009 but a Member of Council had passed away thus the decision was postponed until 2010 at which time the decision was taken to maintain the eight sites mentioned in the report. Councillor McAleer highlighted that the old burial ground in Eglisish contained headstones dating back to the history of the O'Neill's in the eighteenth century and highlighted the burial ground of the blind harpist Art O'Neill. Councillor McAleer stated that it was somewhat unfair to withdraw this maintenance programme and requested that the eight sites be incorporated in the policy to be maintained.

Councillor Reid welcomed this motion and stated that the matter had come before the Environment Committee and welcomed the change of heart. He stated that although many died in the Great War those that did make it back could be interred in some of the burial grounds and pledged his support for the motion.

Councillor Cuthbertson thanked Councillor McAleer for bringing the motion stating that when it came before Committee he had taken a lead on this requesting consultation and asked what consultation had taken. He emphasised the need to preserve the old burial grounds and made mention of those in Killyman and St McCartan's where the Cairns family grave was highlighting that the Cairn's brothers had been instrumental during the Siege of Londonderry with one of them shutting the gates of the city. He stressed that this history should not be lost and pledged his support to the motion.

Councillor Burton commended Councillor McAleer on the work put into researching the motion. She stated that Councillors in rural areas were concerned that their communities were being left to get on with it. Councillor Burton stressed that the tourism product in the area is very much based in history emphasising that in Clogher in particular people come from across the world to trace family graves. The Councillor also made mention of a graveyard in Aghaloo where a lady could not gain access to the area of her husband's grave as she was a wheelchair user. Councillor Burton emphasised the need for appropriate measures to maintain graveyards and ancient burial sites stating that one section of Council was endeavouring to preserve and promote the districts history whilst another section is withdrawing maintenance which preserve s it. Councillor Burton pledged her support for the motion.

Councillor Monteith expressed his support for the motion and stated that these burial grounds needed to be maintained emphasising that the heritage in local communities was just as important as, for example, that of the Heaney HomePlace. He said if Council was not going to help to maintain such sites they would fall into disrepair. Councillor Monteith referred to the current endeavours to identify famine graves in the area of the old 'workhouse' stressing that if someone had had the foresight to maintain them it would not be the mammoth task it had become. The Councillor referred to the promotion of heritage grant and stated it was imperative that Council should be maintaining the burial grounds aforementioned and others in the future. He reflected on the restructuring of Councils in 2014 at which time local authorities were provided with the General Power of Competence to permit them to act and stated that the sites should be insurable.

Councillor Mulligan commended Councillor McAleer in bringing the issue forward and stated that it was disappointing when cemeteries were dropped from maintenance schedules. He voiced his support and commended the motion to all Members calling for support from across the board and to ascertain if all graveyards dropped from the list could be reinstated.

The Director of Environment and Property advised that the approach officers adopted was to follow the guidelines detailed in the relevant Act of Parliament that set out the criteria for maintenance of old burial grounds which was if they are vested to Council they may be legally maintained. He advised that there are 36 burial grounds in total and it was proposed to cease the maintenance of eight of those at which Council was unaware of any agreements thus there would be significant issues regarding liability. He stated that he would be keen to have the matter of maintenance investigated further and informed Members that there were instances in

other places where children had been killed due to unsecure headstones falling on them. The Director advised that council neither owned nor had the eight burial grounds vested to them, he reminded the meeting that the six-month notice period runs out at the end of September. He concluded that the matter should be further investigated as Council could not take on liabilities that could lead to health and safety risks.

Councillor S McGuigan stated that whilst he could accept the argument regarding the preservation of history he would not be in favour of resuming maintenance expressing concern that the Council may be taking on duties they do not have responsibility for and such action may 'open the door' to other issues. He reflected that the matter had been discussed and decided upon at committee and that the Council had ratified the decision.

Proposed by Councillor S McGuigan

To progress the original decision unless officers can bring forward a rationale for provision of maintenance.

Councillor McPeake stated that he understood the historic importance but his concern would be it leading to other situations highlighting the example of the cessation of grass cutting on the entrance to Castledawson which was historically cut by the legacy Magherafelt District Council. He said he had assisted with arranging meetings with residents to progress the matter at which time they received a period of 'grace' prior to Council ceasing maintenance. He stated that these residents would want maintenance resumed if they heard about the burial ground situation.

The Chief Executive stated that the key question was whether Council had the legal authority to give effect to what has been requested and that at this stage Officers had not been able to establish that the Council had the legal authority. He continued stating that the General Power of Competence may assist but a comprehensive overview would be required to ascertain this. The Chief Executive stated that if Council did not have a legal obligation to incur this expenditure and Members decided to do so, this could be a matter that the Local Government Auditor would take an issue with which could ultimately lead to Members being surcharged..

Councillor Monteith asked if, when the situation was initially being investigated by officers, the possibility of utilising the General Power of Competence had been considered and expressed his dismay if this was only happening now.

The Director of Environment and Property stated that officers were guided by the Public Health Ireland Act 1978 and emphasised that under this Council did not have the vires to maintain the burial grounds in question. The Director stated that the General Power of Competence was somewhat different and concluded that officers had considered the legislation as it stood.

Councillor Monteith asked if the answer to his question was no.

In response the Director of Public health and Infrastructure confirmed that it was no.

Councillor Monteith stated that it was disappointing and that he could not understand that three years into the new Council such a big issue as the General Power of Competence had not been explored.

Councillor Cuthbertson referred to earlier comments regarding grass cutting and stated it was his understanding that this was considered under a different policy, but advised that the main reason put forward by officers at Committee was insurance and concluded that if it was such a major issue staff would not have been repeatedly sent out to do it.

Councillor Mallaghan sought clarity as to who had the legal title to the graveyards asking if they belonged to the local churches.

In response the Director of Environment and Property stated as far as he was aware it was the Churches.

The Chair, Councillor Ashton asked did Council seek clarification.

The Director of Environment and Property advised that in the main they are associated with local Churches but he suspected that the land may be unregistered.

Councillor Wilson stated that there was six months to progress to a decision and whilst he supported the motion he was aware that there was a warning of a surcharge and thus he would like a legal opinion on the matter.

Councillor Wilson asked if Councillor McAleer would be prepared to wait for a decision.

Councillor Wilson proposed to amend the motion to defer the decision.

Councillor McFlynn stated that Members had voted at committee on officer advice and warned that part of the six-month period being referred to has already passed, thus there was a shorter period for reconsideration.

Councillor McGinley stated that he did not think the decision could be deferred but suggested the possibility of withdrawing the motion and allowing other options to be explored and a report brought back to Committee especially given the risk of surcharge.

Councillor McGinley proposed that the motion is withdrawn and the matter investigated in relation to scope under the 'general power of competence'.

The Chair, Councillor Ashton having taken time to consider Standing Orders drew attention to 19.3(2), which permitted the withdrawal of the motion if both the proposer and seconder agreed.

Councillor McAleer clarified that whilst she had previously mentioned seven burial grounds there were in fact eight including Clogher.

The Chair, Councillor Ashton adjourned the meeting at 8.45pm for a period of 10 minutes.

The Chair, Councillor Ashton reconvened the meeting at 8.55pm.

Councillor McAleer stated that she had not thought the matter would take so long and expressed her thanks for the positive comments. She stressed that it was important to the community to maintain the burial grounds and stated that she would amend her motion as undernoted:

Proposed by Councillor McAleer

That the matter is further explored to investigate Council legal authority especially in relation to the 'general power of competence' and in the interim period that Council write to Church authorities and advise that the maintenance service will continue until such time as a decision is reached.

The Chair, Councillor Ashton sought clarity as to whether the amendment could be accepted then confirmed to the meeting that under 17.1 of standing orders it would qualify as it was not a direct negative.

Councillor Cuthbertson seconded the proposed amendment.

Councillor McGinley stated that he would like the amendment in writing and sought clarity as to whether Members would still be liable for surcharge.

The Chief Executive stated that the meeting should get the amendment in writing.

Councillor S McGuigan stated that he would object as the amendment appeared to be the out workings of the original motion.

The Chair, Councillor Ashton adjourned the meeting for 15 minutes at 9.02pm

The Chair, Councillor Ashton reconvened the meeting at 9.17pm

Councillor McAleer stated that she had decided to withdraw the motion to permit further investigation into the possible use of the General Power of Competence and the legalities of the issue in relation to surcharge.

The Chair, Councillor Ashton following standing order 19.3(2) sought the consent of the Seconder.

The seconder, Councillor Cuthbertson withdrew.

The motion was withdrawn.

Proposed by Councillor McAleer
Seconded by Councillor Wilson and

Resolved That Council further investigate and report to a future committee the issue of maintenance of the eight burial grounds, at which maintenance is scheduled to cease, to exploring the possible use of the 'general power of competence' and seeking clarification regarding the legalities of the issue in relation to surcharge.

Councillor Mulligan left the meeting at 9.18 pm

C92/18 Notice of Motion

Councillor Milne introduced the motion stating that language is a treasure for everyone and was a major contributor to arts, music and culture stating that Irish is a living language which deserve to be maintained and developed. She continued that it contributed meaning to sport and dance and a language is an important part of the Irish identity which belonged to everyone. Councillor Milne stated that the protection of the Irish language is a threat to no one and that an act would not impose on anyone. The Councillor emphasised that to respect one section of the community is not disrespectful for another. Councillor Milne reflected on the time since the St Andrew's agreement and said that the British government had neglected to bring an Irish language act and that in recent times Sinn Féin and the DUP had come to an accommodation regarding it but then the DUP had failed to deliver. Councillor Milne stated that an Irish Language act would harm no one and prior to moving the motion asked that Council write to the Irish Secretary of State and the Taoiseach. Councillor Milne moved the undernoted motion.

"This council calls for the introduction of Acht na Gaeilge as promised in the St Andrews Agreement. We recognise the need to have the indigenous language of this island protected in legislation. We also recognise that Acht na Gaeilge is important in the context of protecting rights, showing recognition and demonstrating respect. In this council area, there is a fast growing Irish Language community; including children who are being educated through the medium of Irish. Their rights must be protected."

The Chair, Councillor Ashton referred to the comments regarding Council writing letters and advised that the request would have to come as an amendment to the motion as it was not contained in the original wording.

Councillor McEldowney stated that she would second the motion as there was a big Irish language community in her area and they were endeavouring to have it designated as a Gaeltacht area. She advised there was a culture of dance, sport and drama shoring how her niece had attended Irish medium education and was now in Cork pursuing a career in it.

Councillor Kearney, on behalf of the SDLP reiterated the belief that the Irish Language must be protected and that it must have legislation that will allow it to continue to grow and flourish. He stated that there is a need for the establishment of a rights based Irish Language Act or Acht na Gaelige which recognises the language's cultural and social importance to these islands and emphasised that the SDLP wanted to see a standalone Irish Language Act.

Councillor Kearney recalled that some ten years ago the SDLP had been the first party to table an Irish Language Act in the Assembly through Dominic Bradley MLA and that prior to the collapse of Stormont the Mid Ulster MLA Patsy McGlone was preparing a Private Members' Bill on the Irish Language to protect, promote and enhance the rights of Irish speakers.

He spoke of the aforementioned deal that was nearly struck to recognise the language but lacked crucial mechanisms to ensure its security. Councillor Kearney stated that he believe the Office of an Independent Commissioner could provide that security and stressed that the Irish language should not be a political issue, a weapon nor leverage against other communities, but should be for everyone as a rich and enriching means of expression, contributing to better understanding of the expression of the Irish identity, be that through literature, song, poetry, even in place names.

Councillor Kearney said that Unionism can recognise that there is nothing to fear from the language and that they too have a role to play in its future. However, if the Assembly is do develop and an Executive set up which is to have at its core parity of esteem and a genuine will to create a reconciled society, then there is a need to accommodate each other. Councillor Kearney further stated that across Mid Ulster everyone needed to celebrate the aspects of our identities which make us unique, he emphasised that the SDLP believes that the Irish language should also be accommodated. Councillor Kearney shared that he had been afforded the opportunity to learn Irish, to teach it as a second language in a primary school and would now like to see legislation that would allow it to grow and flourish. Councillor Kearney concluded saying (in English) 'a country without a language is a country without a soul' and (in Irish), 'Tir gan teanga, Tir gan anam'.

Councillor Cuthbertson stated that it was interesting that the previous two speakers said there was not protection for Irish language which is false, as there is an opportunity for schools and a whole range of things. He stated that when setting the policy the officers kept quoting the Northern Ireland Act 1998 and I agree with Councillor Kearney that the Irish language should not be politicised but constantly pushing it was politicising it. He mentioned respect in referring back to what had been witnessed earlier in the meeting when Members would not commemorate the brave men and women from the island who lost their lives and stated that respect had to be two sided.

Councillor Wilson stated that yet again a divisive motion was being moved and stated that the Ulster Unionist Party had made no promises to anyone about an Irish language Act. Councillor Wilson said the UUP had no quarrel with the Irish language and reflected that under the Belfast Agreement both sides agreed to recognise each

other and that the aim was to take language out of the hands of politicians. He posed the question as to what an Irish language Act was for as for almost a century children have been taught Irish in the Republic, yet English is still the mother tongue of the Republic. He further reflected that the use of Irish in government in the Republic would create havoc and referred to Enda Kenny who in 2015 stated “*that Ireland was an English speaking island.*” Councillor Wilson emphasised that no one is denied the opportunity to learn Irish and highlighted that options such as a blank cheque in the south, a Welsh style or Scottish model had been discussed but Sinn Féin wanted an Irish language commission with the rights of a high court judge and 10% of public jobs given to Irish speakers and made mention of the leaked document following the collapse of the Stormont talks. He stressed that what was needed was a shared future and sought clarity as to what the motion was proposing.

Councillor Monteith pledged his support for the motion stating that the reality was that the language was going from strength to strength and highlighted that the Gaelscoil in Coalisland the Irish stream in St Joseph’s was doing likewise. He said that he did not necessarily agree with every tactic parties have used and emphasised that he had no difficulty with Ulster Scots and had supported its promotion also. He claimed that no one had anything to fear with the promotion of our native tongue and reminded the meeting that the first people to politicise the Irish language was the English government who used it as a weapon and reflected that the history of Dungannon tells how a man was interned for teaching Irish. He concluded stating that party politics would always argue but that opinion on the Irish language was a deep-seated psyche but clarified that Nationalist do not promote it to threaten anyone one.

Councillor McLean stated that he had listened and could believe that there were people genuine about their language but reiterated the point that Sinn Féin use it as a political tool and are holding the Northern Ireland Assembly to ransom to get an Act. He stated that it could be understood why Unionists resent it when it is used as a beating stick. He recalled attending a working group in Magherafelt legacy Council and withdrew from it as any process he put forward was ignored. Councillor McLean stated that this was the reason his party had not engaged in the bonfire working group. Councillor McLean stressed that Unionism was as passionate about its culture as Nationalists but yet again, the Irish language was being used. Referring to the motion Councillor McLean stated that it was a notion and not a motion.

Councillor McGinley stated that the comments were petty and claimed that Councillor McLean was being petty referring to bonfires. He further emphasised that no-one was being prevented from having a bonfire but asked that there was no damage to the environment, property and no burning of effigies and encouraged the chamber not to confuse the two. He was emphatic that introducing a motion did not hurt anyone and that burning the tiles off people’s roofs and burning effigies was not culture.

Councillor McLean stated that he would have a ‘one to one’ discussion with Councillor McGinley. He stated that the proposal was the thin end of the wedge as it led to a process of eradication.

Councillor McGinley stated that he would accept Councillor McLean's invitation to discuss the matters 'one to one' but emphasised that he would have liked to have had him on the bonfire working group.

The Chair, Councillor Ashton reminded Councillor Milne that to include the request for letters would require an amendment.

Councillor G Shiels stated that some folk may be surprised but he did not think the Irish language would do him any harm. He referred to a poster he had seen in Maghera which contained grammatical errors and said his fear would be in the translation if use in public services, which might become somewhat suspect. Councillor G Shiels stated that he too opposed the motion.

Councillor Milne stated that she would not propose an amendment to the motion.

The Chair, Councillor Ashton put the motion to vote

For	25
Against	13

The Chair, Councillor Ashton declared that the motion carried.

Local Government (NI) Act 2014 - Confidential Business

Proposed by Councillor Gildernew
Seconded by Councillor M Quinn and

Resolved: That items C93/18-C99/18 be taken as confidential business.

Matters for Decision

- (i) Minutes taken as confidential business at the Audit meeting held on Tuesday 20 March 2018
- (ii) Minutes taken as confidential business of Council meeting held on Thursday 22 March 2018
- (iii) Minutes taken as confidential business at Planning Committee held on Monday 9 April 2018
- (iv) Minutes taken as confidential business of Environment Committee held on Tuesday 10 April 2018
- (v) Minutes taken as confidential business of Development Committee held on Wednesday 11 April 2018
- (vi) Minutes taken as confidential business of Policy and Resources Committee held on Thursday 12 April 2018
- (vii) Correspondence from NILGA
- (viii) Document for Sealing: Evaluation and Option Agreement between Mid Ulster Council and SGN Natural Gas Ltd

The press left the meeting at 9.43 pm

Councillors McLean, Buchanan, T Quinn, McEldowney and Reid left the meeting at 9.44pm

C101/18 Duration of Meeting

The meeting was called for 7pm and ended at 9.50 pm

CHAIR _____

DATE _____

Minutes of Meeting of Planning Committee of Mid Ulster District Council held on Tuesday 1 May 2018 in Council Offices, Ballyronan Road, Magherafelt

Members Present	Councillor Mallaghan, Chair	
	Councillors Bateson, Bell, Clarke, Cuthbertson, Glasgow, Kearney, McAleer, McEldowney, McKinney, McPeake, Mullen, Reid, Robinson	
Officers in Attendance	Mr Tohill, Chief Executive Dr Boomer, Planning Manager Mr Bowman, Head of Development Management Mr Browne, Head of Tourism Ms Doyle, Senior Planning Officer Mr Marrion, Senior Planning Officer Mr McCrystal, Senior Planning Officer Ms McNally, Council Solicitor Miss Thompson, Committee Services Officer	
Others in Attendance	Applicant Speakers	
	LA09/2015/0459/F	Ms O'Neill Mr Canavan
	LA09/2015/0460/F	Ms Burke
	LA09/2017/0802/F	Mr Cassidy Councillor B McGuigan
	LA09/2017/1284/O	Mr Cassidy
	LA09/2017/1349/F	Mr Cassidy
	LA09/2017/1725/O	Mr Cassidy
	LA09/2018/0124/F	Mr Maguire Councillor McGinley
	LA09/2015/0523/F	Councillor Wilson Mr Molloy MP Mr Stephens
	LA09/20170673/O	Mr Cassidy Councillor B McGuigan

The meeting commenced at 7.04 pm

P065/18 Apologies

Councillor Gildernew.

P066/18 Declarations of Interest

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

Councillor Mullen declared an interest in planning applications LA09/2017/1284/O, LA09/2017/1609/F and LA09/2018/0124/F.

P067/18 Chair's Business

The Chair, Councillor Mallaghan advised he had received an invitation to a Royal Ulster Architectural Society event on 18 May. The Chair stated he was unable to attend this event and would offer the invitation to the Vice Chair on this occasion.

The Planning Manager referred to previously circulated paper in relation to PAC decision on planning application LA09/2017/0272/F in which the appeal was allowed and partial costs were awarded to the applicant. The Planning Manager expressed concern regarding the criticism of planning staff and how they dealt with the appeal and that given this disquiet he advised that the matter would be discussed with Council Solicitor and senior planning staff with the intention of bringing forward a protocol for dealing with appeals, particularly where the case officers report recommendation differs from the Planning Committee decision.

The Planning Manager advised that figures in relation to planning performance show that progress has been made in reducing time taken to deal with major applications since the formation of a majors team, although the target for major applications was not met. The Planning Manager advised that enforcement targets have been met and that the main target for local applications appears to have been achieved however there has been a significant decline in performance since Christmas and an increase in the number of applications yet to be determined. This is due to the development management team being halved due to absences and resignations for the three months around Christmas.

In order to deal with the backlog and growing income fee the Planning Manager advised that an additional permanent planning officer has been appointed and that a two year contract had been offered to another officer to provide cover for a career break. Advertisements have also been placed for two graduate trainees for a two year contract. This is possible through savings from existing resources.

The Planning Manager advised that progress was continuing to be made on the Development Plan and advised of two dates for Special Planning Committee meetings (9 May and 11 June) for Members to consider the work done to date. Due to the size of the documentation Members were advised to download their papers as soon as possible in order to address any potential problems.

The Chair, Councillor Mallaghan expressed some concern regarding the lack of notice with regard to the Special Planning Committee meetings particularly the May meeting.

Councillor Cuthbertson referred to the planning appeal awarded against Council and asked what the award of costs would be and if there was potential for surcharges given the officer recommendation was for approval of the application and this was overturned. In referring to the appeal judgement, Councillor Cuthbertson asked if this had been taken into account for tonight's applications.

The Planning Manager advised that the appeal decision which was for a single wind turbine did not create a precedent with regards a wind farm. The Planning Manager advised of a previous appeal by the same applicant for a wind farm which was refused. The Planning Manager advised that PAC did not take armouage with the reason for refusal as the committee was entitled to refuse the application and there would be no surcharge issue for Members. The Planning Manager advised that costs were awarded against Council in relation to the applicant addressing the additional point made in the rebuttal of the appeal.

The Council Solicitor advised that the PAC has the power to make an award of cost, but it does not specify an amount of costs. The amounts of costs to be paid is up to the two parties to agree and in the absence of agreement it would be subject to a process called taxation.

Councillor Clarke stated that the case went to PAC as the Planning Committee had overturned the officer recommendation and that the Commissioner, in their commentary, reflected on the lack of effort put into the appeal from the Council side. Councillor Clarke also stated that on reading the PAC decision it appeared that the recommendation of the planning officer seemed to have more weight than that of the planning committee and that this needed to be looked at.

The Planning Manager advised that no Commissioner would give more weight to an officers recommendation as the ultimate decision is that of the Committee. The Planning Manager advised of the change in SPPS in relation to wind turbines since the last application had been made but did not feel this was reason enough when it came to appeal stage. The Planning Manager stated that he doubted whether the appeal could have been won but felt that a better argument could have been made which is why further discussion will take place regarding a protocol for appeals and that when options had been identified these will be put to committee.

Councillor Glasgow stated that the entire committee had not been in agreement with the proposal to refuse the application on the night it was brought to committee and that he did not want to be associated with the refusal of the application. The Councillor advised that the Planning Manager had provided reasons for refusal on the night it was discussed and felt this was a difficult way to learn and that the Committee should not get itself into a similar situation again, he again stated that not all Members were in agreement with the proposal to refuse the application but was glad to hear Members cannot be surcharged.

The Planning Manager advised that Members could only be surcharged if they do something wrong and that part of his role on the Committee is to help Members to articulate their reasons why they want to overturn an officer recommendation.

Councillor Reid highlighted that the application went to the Committee with a recommendation to approve and that this recommendation was overturned to a refusal at the meeting.

The Planning Manager stated that Members were advised at the time there was a risk of costs and that if they were minded to refuse it would need to be done on

visual impact on the AONB. On this basis a proposal to refuse was put forward and carried by way of recorded vote.

The Chair, Councillor Mallaghan stated that when discussing the application the Committee gave more weight to the AONB than the officer, he stated that the Committee was entitled to make the decision it did and that in the three years of the Planning Committee this was the first planning appeal that had been lost. Councillor Mallaghan stated a report would be brought before the Committee in relation to protocol for appeals in due course.

Matters for Decision

P068/18 Planning Applications for Determination

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

LA09/2015/0459/F	Wind farm comprising 8 wind turbines, all ancillary and associated development and infrastructure including general and excavation works; temporary works along the transport route to facilitate delivery of turbine components including the upgrade of the existing junctions at Slaght Road, Ballynagilly Road, Feegarron and Slaght Road, and realignment of a section of the Feegarran Road, Lisaan at the Stanley Bell and Sons Ltd Quarry, 28 Ballynagilly Road, with the Wind Farm centred at 980m NW of 59 Ballynagilly Road, Lissan, Cookstown for Ballynagilly Wind Energy Ltd
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The Head of Development Management presented a report on planning application LA09/2015/0459/F advising that it was recommended for refusal.

Since the report was circulated Members were advised that letters of support for the application had been received from TLT Solicitors Ltd and Stanley Bell and Sons Ltd. A further letter of objection was also received.

The Head of Tourism also presented commentary, as previously circulated, on the impact to tourism of the proposed wind farm.

The Chair advised the committee that requests to speak on the application had been received and invited Ms O'Neill to address the committee in the first instance.

Ms O'Neill stated that she was speaking on behalf of local residents who were in objection to the application and highlighted that 1526 objections had been logged in relation to the application on the planning portal.

Ms O'Neill stated that at 126.5m high the turbines will dominate the landscape of which it is proposed to site four of the turbines within the Sperrins AONB. Ms O'Neill

also stated there would be significant visuals of the wind farm from outlying areas and felt that as the area has got special designation the application should not be approved. Ms O'Neill referred to the Sperrins as being a key tourism destination and highlighted funding which had been secured for projects but expressed concern that should the application be approved this funding could be lost. Ms O'Neill referred to similar proposal at Mullghe Turk which was refused and a subsequent appeal upheld and asked the Committee to uphold the recommendation of the case officer.

Mr Canavan stated that the application had been in detailed preparation for seven years and advised that the site is in accordance with relevant policy legislation. Mr Canavan stated that no objections had been received from statutory consultees and referred to the reasons for refusal of the application which highlight visual amenity and environmental quality being affected by the application. Mr Canavan advised that the proposed turbines will be further than 500m from other buildings and that whilst the proposal is on the margin of the AONB, it will not be visible from much of the AONB.

Mr Canavan also felt that refusal reasons 4 and 5 should not carry any material weight and advised that Tourism NI have no objection to the application and that Council have not provided any evidence to the contrary in this regard. Mr Canavan also referred to other examples of Dark Sky initiatives in Mayo and Galloway which had wind farms located nearby. Mr Canavan also spoke in relation to the environmental and community benefits of the application and the rateable income to the Mid Ulster District from the proposal.

The Chair, Councillor Mallaghan thanked officers for their comprehensive report and the speakers for coming forward and stated that a lot of detailed information had been put before Members.

Councillor Cuthbertson referred to evidence taken from another department within Council and asked if this was good practice or if it would compromise the Committee going forward. The Councillor felt that a better option would have been to bring the Head of Tourism in as a speaker on the application.

The Council Solicitor advised there was no issue with the Head of Tourism presenting to the Committee as he was there in his capacity as a consultee to the application.

Councillor Cuthbertson referred to the numerous photographs of critical views shown by officers and stated he would have liked the same effort to have been put into previous applications for wind farms/turbines such as that at Murley.

The Chair, Councillor Mallaghan stated that the photographs shown were of critical views of the AONB, Councillor Mallaghan clarified that Murley does not have AONB designation.

Councillor McPeake stated that Members should not be critical of the work carried out in relation to this application, he referred to the amount of detailed information which had been put before Members and commended officers. Councillor McPeake stated he was happy with the approach being taken.

Councillor McKinney referred to commentary on how tourism would be effected by the proposal and felt that by bringing people to an area for tourism reasons is more likely to have an effect on the area rather than the turbines. The Councillor also stated there seemed to be some ambiguity as to whether the turbines were within the AONB and felt that a site meeting would be beneficial before coming to a decision. Councillor McKinney proposed that the application be deferred pending a site visit taking place.

In response to request seeking clarification on whether Head of Tourism should have been brought to present at the meeting, the Council Solicitor advised that tourism was a consultee within the consultation process of the planning application. She stated that in presenting to the Committee the Head of Tourism provided information relating to how tourism could be effected by the proposal, that he was not there in support of or against the application and that speaking rights were not required.

Councillor Bell stated that having considered all information he would propose the officer recommendation to refuse the application.

The Planning Manager advised that some of the turbines will be located within the AONB and some will be outside. The Planning Manager advised Members not to put all their consideration into a line on a map but rather to consider the cumulative impacts the proposal will have on landscape character in the area.

In response to Councillor Clarke's question the Planning Manager advised he was unsure whether the quarry was removed from the AONB when it was redrawn in 2008. In response to earlier comments, the Planning Manager stated that the development of tourism can also have an effect on the landscape of an area.

The Council Solicitor stated that the weight placed on commentary from consultees was a matter for the committee, however, she would have some concerns regarding placing determining weight on the comments made around the potential impact to funding.

Councillor Cuthbertson asked whether there had been any discussion with the applicant on reducing the proposal.

The Head of Development Management stated no such discussions had taken place.

Councillor Cuthbertson asked if this could be explored.

Councillor Bateson seconded Councillor Bell's proposal to refuse the application.

Councillor Kearney stated he was content with the information put forward.

Councillor McKinney asked if the applicant would reconsider their application.

Mr Canavan agreed that the applicant would reconsider the application.

The Chair, Councillor Mallaghan stated that a site meeting had been held in the area of the proposal recently and taking into consideration the information at hand he would be supportive of the proposal to refuse the application.

Councillor Cuthbertson proposed that the application be deferred to allow time for a reassessed proposal to come forward.

Discussion ensued regarding an altered application.

Councillor Clarke stated that he felt the meeting had got into a situation that was out of order and that every application deserved the same attention.

The Chair, Councillor Mallaghan stated that the applicant had been aware for over a week of the recommendation to refuse and no attempt had been made in the intervening time to make an altered proposal.

Councillor McKinney stated he withdrew his earlier proposal for a site meeting but would second Councillor Cuthbertson's proposal for a deferral.

In response to Councillor McPeake's question the Planning Manager advised that if a change in proposal came forward then there would be a requirement to carry out neighbour notification and consultations again.

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

For – 9

Against – 3

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

For – 5

Against – 9

Resolved That planning application LA09/2015/0459/F be refused on grounds stated in the officer's report.

LA09/2015/0460/F	Wind farm comprising of 9 turbines and associated infrastructure (2 turbines located within Fermanagh and Omagh Council area and 7 located within Mid Ulster Council area) at Murley Wind Farm in Townlands of Glengesh Lower Forest, Moysnaght, Killygordon, Tattanafinnell, Edergole and ColeGlen Forest near Fivemiletown for RES
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Mr Marrion (SPO) presented a report on planning application LA09/2015/0460/F advising that it was recommended for approval.

Glasgow left the meeting at 8.24 pm and returned at 8.32 pm during the above presentation.

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

Ms Burke advised that the application consisted of nine turbines over two Council areas and stated that Fermanagh and Omagh Council had approved the two turbines in their area in January 2018. Ms Burke advised that the proposal will generate significant benefits to the community and that rates payable will be £7.2 million over 25 years. Ms Burke stated that the application has been subject to the necessary environmental studies and consultations to which there had been no objections, the application also supports the proposal to achieve low carbon energy.

Councillor Cuthbertson asked why there was not the same amount of aerial photographs shown for this application.

Mr Marrion advised that he had provided a selection of photographs as part of his presentation but stated that further photographs were available to view on the planning portal.

Councillor Cuthbertson queried whether Members now also have to examine what is on the planning portal as well as what is provided in papers.

Councillor McKinney proposed the officer recommendation to approve the application.

The Planning Manager stated that Clogher Valley is a precious area which is worthy of protection, he stated that if the proposal was to be located in a different area of Clogher Valley it would have received a different response however he was satisfied that the impacts of this proposal will be limited. On this basis, he was not surprised that there were no public or consultative objections to the proposal.

Councillor Bateson seconded Councillor McKinney's proposal to approve the application.

Resolved That planning application LA09/2015/0460/F be approved subject to conditions as per the officer's report.

Councillor McKinney left the meeting at 8.42 pm.

LA09/2015/0670/F Retention of retaining wall and infilling of land adjacent to Lettice Street and Monaghan Road, Aughnacloy, for CNI Northern Ireland Ltd

Members considered previously circulated report on planning application LA09/2015/0670/F which was recommended for approval.

Proposed by Councillor McAleer
Seconded by Councillor Glasgow and

Resolved That planning application LA09/2015/0670/F be approved subject to conditions as per the officer's report.

LA09/2016/1131/O

**Replacement dwelling at 89 File Mile Straight,
Maghera for Owen McNally**

Mr McCrystal (SPO) presented a report on planning application LA09/2016/1131/O advising that it was recommended for refusal.

Councillor Kearney stated he would have some sympathy for the application.

The Planning Manager stated that the applicant had asked that the application be determined as presented.

Councillor Glasgow stated it was unfortunate the School had got into its present state but felt that replacement would be difficult. Councillor Glasgow proposed the officer recommendation to refuse the application.

Councillor Reid seconded Councillor Glasgow's proposal.

Resolved That planning application LA09/2016/1131/O be refused on grounds stated in the officer's report.

LA09/2017/0332/O

**2 storey dwelling at lands adjacent to 83 Highfield
Road, Magherafelt for Janette Duffy**

Members considered previously circulated report on planning application LA09/2017/0332/O which was recommended for approval.

Proposed by Councillor Glasgow
Seconded by Councillor Clarke and

Resolved That planning application LA09/2017/0332/O be approved subject to conditions as per the officer's report.

LA09/2017/0693/F

**Re-instatement of dwelling at 12A Drumaspil Road,
Dungannon for Mrs Dorothy Lawson**

Councillor Cuthbertson declared an interest in this application.

Members considered previously circulated report on planning application LA09/2017/0693/F which was recommended for approval.

Proposed by Councillor Reid
Seconded by Councillor Glasgow and

Resolved That planning application LA09/2017/0693/F be approved subject to conditions as per the officer's report.

LA09/2017/0707/O

**Dwelling at 20m S of 40 Derrygonigan Road,
Cookstown for Finbar Crawford**

Members considered previously circulated report on planning application LA09/2017/0707/O which was recommended for approval.

Proposed by Councillor Bell
Seconded by Councillor Reid and

Resolved That planning application LA09/2017/0707/O be approved subject to conditions as per the officer's report.

LA09/2017/0756/F

**Retention of replacement dwelling and garage in
substitution for previously approved
M/2006/1355//RM at approx. 140m NE of 24
Findermore Road, Clogher for Mr Gerry McCaughey**

Members considered previously circulated report on planning application LA09/2017/0756/F which was recommended for approval.

Councillor Glasgow asked who the letter of objection came from.

Mr Marrion advised that the objection was received from the landowner stating they would not permit access for visibility splays.

Councillor Glasgow asked how this objection then affected the application.

Mr Marrion advised that as the application was being considered as a replacement dwelling there was no intensification of access and visibility splays are not required to be insisted upon.

Proposed by Councillor McAleer
Seconded by Councillor Glasgow and

Resolved That planning application LA09/2017/0756/F be approved subject to conditions as per the officer's report.

LA09/2017/0802/F

**Replacement dwelling at 124 Sixtowns Road, Labby,
Draperstown for Mr Alistair Clerkin**

Mr McCrystal (SPO) presented a report on planning application LA09/2017/0802/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 Cassidy to address the committee.

Mr Cassidy stated that Council are content that the application is a good replacement opportunity but that issues seemed to be with the proposed hipped roof on the dwelling and that it does not integrate with the local area. Mr Cassidy stated that the dwelling and in particular the hipped roof had been designed to the Building

on Tradition Design Guide and referred to several examples of hipped roofs in the local area and that dwellings on both sides of the application site had hipped roofs. Mr Cassidy stated that a hipped roof on a dwelling was not contrary to the area but requested that the application be deferred to allow for further redesign.

Councillor McKinney re-entered the meeting at 8.53 pm.

The Planning Manager stated that the reasons for refusal were not solely related to the hipped roof but also the scale and massing of the dwelling. The Planning Manager stated that if the applicant wanted the application to be deferred why it had been stated that the design would not be changed.

Mr Cassidy advised that the design of the dwelling had already been changed three times.

Councillor Clarke stated that the original house on this site was also a large building but that this proposal is closer to the road. The Councillor stated he was not a personal fan of hipped roofs but there was no doubt there were numerous examples in this area.

The Planning Manager stated that a hipped roof was not an AONB design and would not want to promote such within the AONB. The Planning Manager referred to the examples provided of hipped roofs in the area and reflected that perhaps planning had not been the best custodians of the AONB in the past.

Councillor Reid proposed that the application be deferred pending submission of redesign.

The Planning Manager advised that the applicant wants the application to be determined.

Councillor Reid stated he would withdraw his previous proposal and proposed that the application be refused.

The Chair, Councillor Mallaghan stated that the agent had offered to redesign the proposal at the end of his speaking time.

Councillor McPeake concurred with earlier comment that the original house had been large and stated he did not feel that the proposal was unusually large. Councillor McPeake proposed that the application be deferred.

The Planning Manager asked if the agent was willing to meet to discuss redesign.

Councillor Bell seconded Councillor McPeake's proposal.

Councillor McKinney felt that the meeting was getting out of order.

Councillor B McGuigan stated that the current design was not fitting within the AONB and requested that the application be deferred.

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

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

For – 8

Against – 2

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

For – 4

Against – 8

Resolved That planning application LA09/2017/0802/F be deferred for an office meeting.

LA09/2017/1055/O Dwelling and garage approx. 30m S of 77 Gulladuff Hill, Moyagall for Joe Hurley

As per previously circulated addendum it was advised that additional information had been received in relation to the reasons for the siting of the proposal. It was therefore proposed that this application be deferred for an office meeting to further consider the proposal.

Proposed by Councillor Glasgow
Seconded by Councillor Bell and

Resolved That planning application LA09/2017/1055/O be deferred for an office meeting.

LA09/2017/1284/O Dwelling and garage NW of 35 Mullaghmarget Road, Dungannon for Pdraig Donnelly

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

Mr Marrion (SPO) presented a report on planning application LA09/2017/1284/O advising that it was recommended for refusal.

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

Mr Cassidy stated that the farm is active and established and provided reasons for the siting of the proposal as follows –

- The farm has no road frontage lands
- Applicant's brother is taking over the farm and has plans to expand
- Mortgage cannot be obtained for dwelling on laneway
- Site provides a suitable degree of integration

Mr Cassidy felt that the application could be considered as exceptional to policy and asked that the application be approved.

Councillor Bell referred to the intensification of use of the laneway if the proposal was to be located at the main farm.

Councillor Clarke asked how many dwellings were on the laneway.

Mr Marrion advised that there are three houses on the laneway.

Councillor Clarke stated that the applicant would definitely be experiencing difficulties obtaining a mortgage.

The Planning Manager stated that Members needed to be careful when setting aside policy and that although arguments had been put forward, there was no verification to support the arguments. The Planning Manager suggested that the application could be deferred to allow the applicant to submit evidence regarding ownership of the laneway and that this could be consulted upon again with DfI Roads.

Councillor Clarke proposed that the application be deferred.

Councillor Bell seconded Councillor Clarke's proposal.

Councillor Reid stated he did not feel this application would work out.

Councillor McKinney asked who owned the land.

The Planning Manager stated it was not wise to make planning decisions based on the advice of a mortgage adviser.

Mr Marrion advised that the landowner was Mr Pdraig Donnelly and the active farm owner was Mr Shane Donnelly.

Council Solicitor urged caution in relation to any weight being attributed to whether a mortgage can be obtained as this is not a material consideration in the planning application.

Resolved That planning application LA09/2017/1284/O be deferred to allow evidence in relation to ownership of laneway to be submitted.

Councillor Mullen rejoined the meeting.

LA09/2017/1349/F Animal isolation and farm machinery storage shed at approx. 120m SE of 37 Rocktown Lane, Knockloughrim for Robert Edward Scullion

Mr McCrystal (SPO) presented a report on planning application LA09/2017/1349/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 Cassidy to address the committee.

Mr Cassidy stated that the shed will be used for winter housing and isolation of cattle. Mr Cassidy advised that the applicant has been subjected to a number of TB tests and that two of these tests have proved positive, the applicant is currently being tested four times per year as his neighbours herd is currently down with TB. Mr Cassidy advised that the shed will be used for agricultural purposes, that ventilation of the shed is within the plan and highlighted that there is no need to provide heat for animals. Mr Cassidy advised that the proposal site is not on a plantation but rather a clearing and will not be seen from vantage points. Mr Cassidy also confirmed that he had provided an up to date status of applicant's herd on the day after the information was requested. Mr Cassidy advised that the proposed shed is essential for the smooth running of the farm and asked the Committee to approve the application.

The Planning Manager asked why a site closer to the road had not been chosen.

Mr Cassidy advised the site had been chosen because of the clearing.

Councillor Bell referred to the ambiguity regarding TB status and felt this needed clarification.

Mr McCrystal advised that DARD had confirmed that the farm was not under restriction following two clear tests.

Councillor Bell stated there may have been a more recent positive test.

Councillor McPeake stated that the farm may have no restrictions at the moment but that there was an ongoing threat. The Councillor referred to the need for good animal husbandry and that this proposal was a good way of achieving this. Councillor McPeake stated the applicant kept a well maintained farm and that he could see the rationale for putting the shed at the proposed location which appeared to be a good site.

The Planning Manager questioned if there was an ongoing risk what would happen to the cattle of the neighbouring landowners to the site.

Councillor Reid stated that Mid Ulster has the second highest instances of TB in Northern Ireland however he advised that a separate shed was not required for isolation as per DAERA guidelines.

Councillor Glasgow stated he understood why the applicant would want to keep cattle that are to be isolated away from the main farm buildings and asked if there was a reason why the proposal could not come some way down the lane.

The Planning Manager stated there did not appear to be a reason and that the proposal could be facilitated within the main farm.

Councillor Glasgow reflected that TB testing and restrictions were a vicious cycle.

Councillor Cuthbertson proposed the officer recommendation to refuse the application.

Councillor McPeake proposed that a site meeting be held for this application.

The Planning Manager stated that if planning policy was being set aside then good reason was needed.

Councillor McPeake stated that he requested a site meeting due to the ambiguity of the site and that the officer recommendation may be unduly harsh.

Councillor McKinney seconded Councillor McPeake's proposal for a site meeting.

Councillor Glasgow stated he was the only Member who attended the last site meeting and that if a site meeting was being arranged then Members should attend.

The Chair, Councillor Mallaghan stated it was up to each Member to determine their knowledge of an application and whether they felt the need to attend a site meeting.

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

Members voted on Councillor McPeake's proposal to defer the application for a site meeting –

For – 8
Against – 5

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

For – 4
Against – 8

Resolved That planning application LA09/2017/1349/F be deferred for a site meeting.

LA09/2017/1431/F **Small extension to existing commercial yard at 185m W of 66A Kilnacart Road, Dungannon for Niall McCann**

Members considered previously circulated report on planning application LA09/2017/1431/F which was recommended for approval.

Proposed by Councillor Clarke
Seconded by Councillor Bell and

Resolved That planning application LA09/2017/1431/F be approved subject to conditions as per the officer's report.

**LA09/2017/1514/O Dwelling and garage/store on a farm at rear and S of
25 Drumurrer Lane, Dungannon for Mr Henry Brady**

Members considered previously circulated report on planning application LA09/2017/1514/O which was recommended for approval.

Proposed by Councillor McKinney
Seconded by Councillor Bateson and

Resolved That planning application LA09/2017/1514/O be approved subject to conditions as per the officer's report.

**LA09/2017/1609/F Replacement horse stables at lands 70m SE of 9
Greenagh Road, Corrainy, Coalisland for Daryl Fox**

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

Members considered previously circulated report on planning application LA09/2017/1609/F which was recommended for approval.

Proposed by Councillor Bateson
Seconded by Councillor Clarke and

Resolved That planning application LA09/2017/1609/F be approved subject to conditions as per the officer's report.

Councillor Mullen rejoined the meeting.

**LA09/2017/1649/O Two storey dwelling and domestic garage at approx.
150m SE of 69 Gortagammon Road, Tullyhogue,
Cookstown for Mr & Mrs Sandy Nelson**

As per previously circulated addendum it was advised that additional information had been received in relation to identifying other views of the site. It was therefore proposed that this application be deferred for an office meeting to allow further discussion regarding siting.

Proposed by Councillor Glasgow
Seconded by Councillor Clarke and

Resolved That planning application LA09/2017/1649/O be deferred for an office meeting.

**LA09/2017/1725/O Dwelling and garage at approx. 40m E of 47 Sessiagh
Scott Road, Dungannon for Kevin Sheehy**

Mr McCrystal (SPO) presented a report on planning application LA09/2017/1725/O advising that it was recommended for refusal.

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

Mr Cassidy stated that this application was what clustering should be about, he stated that there were currently eight dwellings in a cluster with a staggered crossroads as a focal point nearby. Mr Cassidy stated that the application will round off current development, not extend it and advised that the proposal is for the applicant to build their own home. Mr Cassidy asked that the Committee approve the proposal.

The Planning Manager stated there was no evidence of what gives the proposed site its identity ie. Focal point.

Councillor Clarke felt there was a focal point of eight dwellings and that a further dwelling would round off development.

Councillor Bell did not feel a further dwelling would impact on rural character.

The Council Solicitor advised that according to the wording of CTY2a, the cluster of development must be associated with a focal point and so therefore, the cluster could not be the focal point.

Councillor Bell queried whether this was a peatland area and if that could be used as a focal point.

Councillor Cuthbertson stated he agreed with what had been said but felt that if the application did not meet policy it should be refused.

The Planning Manager felt it was sensible to hold the line in respect of policy as this type of situation arises time and time again.

Councillor Bell stated that another building was not going to impact on rural character.

The Planning Manager stated that Members need to think about how the need for a focal point was being met.

Councillor Clarke felt that the cluster represented a clachan development.

Councillor Cuthbertson proposed the officer recommendation to refuse the application.

The Chair, Councillor Mallaghan seconded Councillor Cuthbertson's proposal.

The Council Solicitor stated that the reasons for refusal should include the fact that the need for a focal point under CTY2a had not been met.

Resolved That planning application LA09/2017/1725/O be refused on grounds stated in the officer's report including an additional reason that the need for a focal point had not been met.

LA09/2017/1758/RM Off site replacement dwelling and garage at 120m NW of 47 Bancran Road, Draperstown for Paul and Katrina Heron

Members considered previously circulated report on planning application LA09/2017/1758/RM which was recommended for approval.

Proposed by Councillor McEldowney
Seconded by Councillor McPeake and

Resolved That planning application LA09/2017/1758/RM be approved subject to conditions as per the officer's report.

LA09/2018/0043/O Residential development of 6 dwellings and garages and associated works adjacent and to rear of 24 Mullan Road, Ballinderry for Mr George Buick

Members considered previously circulated report on planning application LA09/2018/0043/O which was recommended for approval.

Proposed by Councillor McKinney
Seconded by Councillor Bell and

Resolved That planning application LA09/2018/0043/O be approved subject to conditions as per the officer's report.

LA09/2018/0124/F Change of use from ground floor retail to amusement arcade at 21 Irish Street, Dungannon for Rebekah Bell

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

Mr Marrion (SPO) presented a report on planning application LA09/2018/0124/F advising that it was recommended for approval. Mr Marrion also highlighted the addendum which stated that a late objection had been received and read out the letter. The addendum also advised that policies PPS1 and PPS5 have been cancelled by the SPPS, the SPPS has primacy and advises that Local Development Plans should provide a diverse offer and mix of uses. Main town centre uses should be considered in order of preference with primary retail core followed by town centre. This use is a town centre use and the principles in DCAN1 have been considered in the report. The Preferred Options Paper is not a draft plan and the proposals in it cannot be given significant weight in determining the application.

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

Mr Maguire stated that the issue was not with opening hours or sound proofing of the premises but rather about principle and whether the Council is serious about including Irish Street within the primary retail core for Dungannon. Mr Maguire stated that the application was in conflict with planning policy and does not fit in with the Council's proposal to include Irish Street within the primary retail core.

Mr Maguire stated that of the 54 units on Irish Street, 26 are retail premises and that the retail element of the street should be protected. Mr Maguire stated that Irish Street is an important part of the town centre and would have concern over the impression of locating an amusement arcade at this site as there is an Oratory sited opposite the proposed premises and an objection had also been received from the adjoining property to the proposal. Mr Maguire stated there were further amusement outlets located on Irish Street and nearby in the town.

Mr Maguire stated that by approving this application Council is sending a signal that it is dumping retail, Mr Maguire called upon the Committee not to make the same mistake as other Councils and not to lose this potential retail unit on Irish Street.

The Planning Manager stated that Irish Street was kept out of the primary retail core within Dungannon Area Plan but had managed to regenerate itself in recent years. The Planning Manager stated that the Local Development Plan currently being worked on proposes to extend the retail core to include Irish Street but that weight cannot be given to this in determining the application. The Planning Manager stated that amusement arcades can compliment a retail core and urged Members that when making a decision it should be based on planning and not morality grounds.

Councillor McGinley stated that the building proposed to locate the amusement arcade has been vacant for 18 months and has only been occupied for 10 months in the last four years. Councillor McGinley stated that soundproofing of the premises will be in place and that the applicant has taken a pro active approach in relation to car parking. Councillor McGinley stated that the gaming arcade will not over dominate in its surroundings and highlighted that an objection had been received which included comments regarding the proximity of the Oratory, Councillor McGinley clarified that no objection had been received from the Oratory. Councillor McGinley stated that the application is acceptable in terms of planning policy and that the applicant is part of a responsible business across Northern Ireland who will work to alleviate matters of concern. Councillor McGinley asked the committee to agree with the case officer's recommendation to approve the application.

Councillor Cuthbertson stated that to say Irish Street is not within the primary retail core is out of step with the rest of the Council.

The Planning Manager showed Members the primary retail core for Dungannon as set out in the Dungannon Area Plan.

Councillor Cuthbertson stated that Council has committed money to Irish Street on the basis that it is within the primary retail core.

In response to Councillor Clarke's question it was stated by Councillor McGinley that it was his understanding that there is a fire exit to the rear of the building.

Councillor Reid felt that Irish Street will have to provide a link between the proposed development at Ann Street and the town centre. Councillor Reid also stated that in legacy Council other aspects of gaming were also considered such as gambling and drinking.

The Planning Manager stated that there was no current policy in relation to primary retail core however amusement arcades are usually found in town centres.

Councillor Glasgow referred to the businesses currently located on Irish Street and felt there was opportunity for the Street to further regenerate however as there was already an amusement arcade and a bookmakers sited on Irish Street he did not see the need for a further amusement arcade.

The Planning Manager stated that the problem was that there was no policy in place regarding proliferation of premises and that the Preferred Options Paper cannot be relied upon.

Councillor Glasgow stated he could not support the application based on the grounds it would be disrespectful to the adjoining Hospice premises.

Councillor Bateson proposed the officer recommendation to approve the application.

Councillor McPeake seconded Councillor Bateson's proposal on the advice from the Planning Manager. Councillor McPeake also stated that as the site had been vacant for some time Council should not be unduly blocking business.

Councillor Cuthbertson asked if the Licensing Officer was consulted on the number of gaming machines in Dungannon.

Mr Marrion advised that Environmental Health were consulted in relation to noise who advised that the operating hours of the business should be restricted to between 9am and 11pm. The Licensing Officer was not specifically consulted.

Councillor Cuthbertson proposed that the application be deferred in order to consult with the Licensing Officer on the application.

Councillor Solicitor advised Members that Licensing was a separate regulatory regime to planning and that the Committee should only make decisions based on planning considerations.

Councillor Cuthbertson stated that the Head of Tourism had nothing to do with planning but yet he had presented to the Committee earlier in the meeting.

Councillor Glasgow seconded Councillor Cuthbertson's proposal to defer the application.

Members voted on Councillor Bateson's proposal to approve the application –
For – 8
Against – 5

Members voted on Councillor Cuthbertson's recommendation to defer the application
–

For – 5

Against – 7

Resolved That planning application LA09/2018/0124/F be approved subject to conditions as per the officer's report.

Councillor Mullen rejoined the meeting.

The meeting recessed at 10.34 pm and recommenced at 10.45 pm.

**LA09/2015/0523/F Retention of car park and pedestrian access via
under road tunnel in association with the Jungle NI at
approx. 80m SE of 60 Desertmartin Road for Mr
Robert Carmichael**

Ms Doyle (SPO) presented a report on planning application LA09/2015/0523/F advising that it was recommended for refusal.

Councillor Mullen rejoined the meeting at 10.47 pm during the above presentation.

The Chair, Councillor Mallaghan stated due to the number of requested speaking rights on this application he would break with protocol and proposed that Councillor Wilson and Mr Molloy MP be granted speaking rights of one minute each and that the remaining speakers would have two minutes between them. The Chair stated that all Members were aware of the economic benefits of the business and advised the speakers to focus their presentation on why the application is being refused. The Chair invited Councillor Wilson to address the Committee in the first instance.

Councillor Wilson stated that the Jungle prides itself in health and safety and that there had been no accidents in the past three years of the tunnel being used. Councillor Wilson advised that the business started 13 years ago with 1,200 visitors in a year and in the past year it had attracted 65,000 visitors, the business also provides 46 jobs. Councillor Wilson stated that although there is concern that the tunnel is not high enough by 0.5m it provides safe access to and from the business, the Councillor stated that he supported the application and asked the Committee to do the same.

Mr Molloy MP stated that this business was a good example of farm diversification and highlighted that this type of business can only be sited in a rural location. Mr Molloy went on to say that the tunnel was intended to be used to drive cattle through but that in doing so the farmer also had to use the tunnel and asked what the difference was in one person and several people using the tunnel for access. Mr Molloy MP spoke in relation to the roads issues and stated that another option may be to have a bridge and used the Blackwater Bridge to access the Argory as an example. Mr Molloy MP concluded by stating that the Jungle was one of the major tourism providers in Mid Ulster.

Mr Stephens stated that the proposal currently operates effectively and is of no demonstrable harm, Mr Stephens advised that the tunnel is short and lighted and highlighted that there had been no accidents in the past 3 years of the tunnel being used. Mr Stephens stated that the applicant has indemnity insurance and to date there have been no claims. Mr Stephens advised that the applicant is happy to accept a condition not to use the established access, in addition, it was highlighted that DfI Roads have not provided any evidence to say why a right hand turn lane is required.

Councillor McKinney stated he would be totally opposed to siting a bridge as a means of access and felt the tunnel was a better option. Councillor McKinney stated he had recently spoke with visitors of the Jungle who felt the tunnel was safe. Councillor McKinney commented that visitors to the Jungle have to make a turn no matter what direction they are coming from and stated he would be supportive of the application.

Mr Stephens stated that DfI Roads were seeking a right hand turn lane however the 500 threshold for trips was not being met as there would only be a maximum of 356 trips per day, he therefore stated there was no argument for having a right hand turn lane.

Councillor Clarke felt that the issues in relation to the height of the tunnel could be resolved and referred to cars parked along the roadside when he has been passing the premises.

Ms Doyle advised that DfI Roads will not hand ownership of the tunnel over to the applicant to allow the height of the tunnel to be increased. Ms Doyle commented that she hoped the Councillor had not witnessed cars parked along the road since the car park has been operational.

Councillor Glasgow stated he had used the underpass without difficulty and felt it was bizarre that DfI Roads had such a difficulty with its use. Councillor Glasgow asked how many buses use the car park on a daily basis.

Mr Stephens advised that he did not have figures for buses but on a day in which 350 children visited the premises four cars had used the car park. Mr Stephens advised that the business model is directed towards buses using the premises during the day.

Councillor Reid stated that the Jungle is one of the flagship projects within Mid Ulster and was happy to propose the approval of the application on the grounds that all safety aspects have been taken into consideration.

Councillor Kearney asked if a lease of the tunnel had been discussed between the parties.

The Planning Manager advised he had met with the Roads Manager in relation to this application and stated that DfI Roads felt that use of the tunnel was an accident waiting to happen.

The Council Solicitor stated that if the Committee was minded to approve the application then the wording of the development proposal may need to be reconsidered.

The Planning Manager stated it may not be in the gift of the applicant to say they can use the tunnel as it is not in their ownership.

Councillor Glasgow stated there was a mechanism in place (tunnel) to allow visitors to get to the venue without crossing the road.

Councillor McKinney stated that the tunnel was put in for road safety purposes.

The Planning Manager advised he had explained the view of Dfl Roads and stated that the decision was ultimately that of the Committee however to approve the application Members would be ignoring the concerns of Roads.

Councillor McAleer asked if Dfl Roads have the right to close a Right of Way.

The Planning Manager did not believe Dfl Roads would do this or it would have already happened however he stated that the question could be posed to Roads.

Councillor Reid felt Dfl Roads should have been in attendance at tonight's meeting to raise their objections. Councillor Reid stated that the applicant has land on the other side of the road and can still use the tunnel for agricultural purposes.

The Planning Manager advised that Dfl Roads had been asked their intentions regarding the tunnel however they had not responded.

Councillor Clarke stated that the applicant's farm business straddles both sides of the road and asked if Dfl Roads can stop a legitimate business using the tunnel.

Councillor Bateson questioned where the Council would stand if it approved this application and there was no established Right of Way in place.

The Chair, Councillor Mallaghan stated that as Dfl Roads own the tunnel he questioned whether the Committee can approve planning permission to something that the owner is objecting to.

The Planning Manager advised that the Committee can approve the application if it so desired and used the example of the Committee approving applications in which there have been objections regarding visibility splays.

The Council Solicitor stated that Dfl Roads appeared to be objecting to the application as a consultee for road safety etc. issues and that it wasn't clear whether they were also objecting in their capacity as land owner. Furthermore, whilst there may be a Right of Way to use the tunnel for agricultural purposes for example, a Right of Way for the use of the proposed development was an entirely different matter. As the nature of the ownership/rights are unknown, there would be concerns about the potential for the tunnel not to be available in the future, the consequence of which it would appear would mean all foot traffic would be pushed up over the road.

The Planning Manager stated he understood there was a will to approve the application but felt that there was rationale to defer the application to further discuss issues with Dfl Roads.

Councillor McAleer asked if there was any opportunity to have the car park on the same side of the road as the business.

Ms Doyle advised that this had been discussed and the applicant felt that a car park on the same side of the road would interfere with farm operations and hence this option had not been explored any further.

Councillor Bateson stated that the Committee needed a definitive view from Dfl Roads on what their intentions are for the tunnel.

The Chair, Councillor Mallaghan suggested that Dfl Roads be invited to attend the next Planning Committee.

The Planning Manager suggested that a separate meeting be set up for Members to meet with Dfl Roads.

Councillor Glasgow stated that Dfl Roads have had numerous opportunities to air their views on the application. The Councillor stated that the business was set up under farm diversification and that the tunnel provides safety for users to cross the road safely. Councillor Glasgow seconded Councillor Reid's proposal to approve the application.

Councillor Bell stated that Dfl Roads concerns seemed to have been raised verbally and there was an absence of documentation.

The Chair, Councillor Mallaghan stated that given the concerns of Dfl Roads which he shared he would propose that a further site meeting be held in respect of this application and that Dfl Roads representatives should be invited to this meeting.

Councillor Clarke stated that it would be important that the Dfl Roads representative attending the site meeting should be in a position to answer Member's questions.

Councillor McAleer seconded Councillor Mallaghan's proposal.

Councillor Robinson stated he understood the importance of the business and he would like to be able to approve the application however he felt there was a need to be careful given the concerns of Dfl Roads and agreed that the application be deferred for another site meeting and to discuss issues with Dfl Roads.

Councillor McEldowney stated it would be impossible for the Committee to say there will never be an accident at this location just because there has not been one thus far. Councillor McEldowney stated she would not put her name towards approving the application.

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

For – 3

Against – 9

Members voted on Councillor Mallaghan's proposal to defer the application for a site meeting and meet with DfI Roads officials –

For – 10

Against - 2

Resolved That planning application LA09/2017/0523/F be deferred for a site meeting, senior DfI Roads officials to be in attendance at this meeting.

LA09/2016/0299/O Site for infill dwelling and detached double garage between 21 Brackaghlistea Road and 15 Gortahurk Road, Draperstown for G Mallon

Members considered previously circulated report on planning application LA09/2016/0299/O which was recommended for approval.

Proposed by Councillor McKinney
Seconded by Councillor Clarke and

Resolved That planning application LA09/2016/0299/O be approved subject to conditions as per the officer's report.

LA09/2017/0673/O Dwelling and garage 5m S of 38 Craigmore Road, Maghera for Patrick McWilliams

Ms Doyle (SPO) presented a report on planning application LA09/2017/0673/O advising that it was recommended for refusal.

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

Mr Cassidy stated he accepted that the application is not within policy but advised that a dwelling cannot be located at the existing farm. Mr Cassidy advised that the site is located beside the Fort Riding Centre and that there are two other dwellings beside the site. Mr Cassidy felt that the application met policy under clustering.

The Planning Manager advised that the requirement for a cluster was not being met and that it would be difficult to provide an exception to policy.

Councillor Reid stated that the application may offer a form of security for the riding centre which has been subject to vandalism in the past.

The Planning Manager advised that no representation had been received from the riding centre.

Councillor McKinney concurred with the remarks in relation to vandalism and anti social behaviour at the riding centre and stated that horses had been stabbed in the past. The Councillor stated he had no issue with the proposal.

The Planning Manager stated he believed the accounts being given but reaffirmed that no representation had been received from the riding centre.

Councillor B McGuigan stated that the riding centre provided a focal point and also concurred with the comments of Councillors Reid and McKinney in relation to vandalism/anti social behaviour.

The Planning Manager accepted that the riding centre could be a focal point but that to achieve clustering four buildings were required of which three needed to be dwellings and this was not the case. The Planning Manager stated that there was no issue with regards integration but that under policy CTY 10 a new building is required to be visually linked to the farm, in this case the proposal is not on a farm.

In response to Councillor Kearney's question it was advised that the riding centre would have been informed of the application.

The Chair, Councillor Mallaghan stated that as the proposal did not meet with policy and that no information had been put forward to the contrary he would propose the officer recommendation to refuse the application.

Councillor Bateson seconded Councillor Mallaghan's proposal.

Resolved That planning application LA09/2017/0673/O be refused on grounds stated in the officer's report.

Matters for Information

P069/18 Minutes of Planning Committee held on 9 April 2018

Members noted minutes of Planning Committee held on 9 April 2018.

Local Government (NI) Act 2014 – Confidential Business

Proposed by Councillor McEldowney
Seconded by Councillor Bell 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 P070/18 to P073/18.

Matters for Information

P070/18 Confidential Minutes of Planning Committee held on 9 April 2018

P071/18	Enforcement Case Liveload
P072/18	Enforcement Cases Opened
P073/18	Enforcement Cases Closed

P074/18 Duration of Meeting

The meeting was called for 7.00 pm and ended at 11.50 pm.

Chair _____

Date _____

ADDENDUM TO PLANNING COMMITTEE AGENDA

FOR PLANNING COMMITTEE MEETING ON: 1 May 2018

Chairs Business:

Planning Appeals Decision 2017/A0176, appeal against the refusal of planning permission for a wind turbine at Beltonanean Mountain for Mr G Bell. Decision already circulated.

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

ITEM	INFORMATION RECEIVED	ACTION REQUIRED
4.1	Letters of support received from TLT Solicitors and Stanley Bell and Sons Ltd. 1 further letter of objection received.	Members to note.
4.10	Additional information presented in relation to the reasons for the siting proposed.	Members to agree to defer for office meeting to further consider the proposal.
4.16	Additional information presented identifying other views of the site.	Members to agree to defer for office meeting to allow further discussion on siting.
4.20	Late objection received. Policies PPS1 and PPS5 have been cancelled by the SPPS. The SPPS advises that LDP's should provide a diverse offer and mix of uses. Main town centre uses should be considered in order of preference with primary retail core followed by town centre. This use is a town centre use and the principles in DCAN1 have been considered in the report. The POP is not a draft plan and the proposals in it cannot be given significant weight in determining this application.	Members to note the objection and consideration of the SPPS.

Report on	PAC Costs Decision
Date of Meeting	1 st May 2018
Reporting Officer	Chris Boomer
Contact Officer	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 inform members of a recent Planning Appeal decision and award of costs decision.
2.0	Background
2.1	<p>The PAC on the 18th April 2018 have allowed the following proposal previously refused by the Planning Committee.</p> <p>Members will recall the Planning Committee decided to refuse the proposal contrary to the officer's recommendation.</p>
3.0	Main Report
3.1	<p>2017/A0176 Appeal against: The refusal of planning permission for a single wind turbine of up to 2.3 megawatt power output with a maximum overall base blade to tip height of 92.5 metres. Ancillary developments which comprise wind turbine transformer; turbine hardstand, site entrance with sight line provisions; 1 no. electrical control kiosk, construction of new access track; communications antenna; underground electrical cables and communication lines connecting wind turbine to electrical control kiosk; on-site drainage works; temporary site compound; and all ancillary and associated works (renewal of I/2010/0211/F)</p> <p>Location: Beltonanean Mountain, Beltonanean TD, Cookstown</p> <p>The main issue in this appeal was whether the proposed development would have a detrimental impact on the visual amenity and landscape character of the AONB and thus be contrary to the 'cautious' approach to wind energy development in the aonb. Other issues raised by an objector were also considered but not afforded determining weight.</p> <p>The Commissioner observed that the appeal site is located on the slopes of Beltonanean Mountain which rises to some 317m above sea level contour. Being located within Landscape Character Area 41, and despite the presence of sand and gravel extraction and Davagh forest, the Commissioner also concluded that this part of the LCA is a sensitive landscape.</p> <p>Consideration was paid to the Councils recent refusal of the Beltonanean Wind farm adjacent and other recently refused single turbines nearby but stated these did not set a compelling precedent.</p>

	<p>The Commissioner felt that neither party identified specific enough references to where critical views of the turbine were from or provide maps of the precise location of other turbines which it was felt were adding to a proliferation of turbines when looking towards Lough Neagh.</p> <p>Being a renewal of I/2010/0211/F the Commissioner provided some analysis of how that decision was reached by the Department. She stated that the published SPG planning guidance was published in 2010 and it at that time had already promoted a 'caution approach' to renewable energy proposals in AONBs. She also noted that the Dept took into consideration comments from its Landscape Architects Branch which at that time acknowledged that larger turbines had been allowed in more sensitive AONB locations. The Department therefore found the turbines wider environmental, economic and social benefits to be quite significant given the proposals scale.</p> <p>In regard to the SPPS, it is acknowledged that the 'cautious approach' to renewable energy developments in the AONB has been elevated. However the lack of detailed and site specific evidence did not make it clear why the turbine should now be found unacceptable and contrary to Policy.</p> <p>In relation to archaeological heritage, it was noted that objectors had said the turbine would be seen from Beaghmore Stone Circles. In visiting the circles however the Commissioner was satisfied that by virtue of intervening distance and topography that the proposal would not be contrary to their integrity and thus did not offend PPS6 Policy NH1. In addition no persuasive evidence was provided by objectors that the proposal would be at odds with projects or ambitions of Heritage funding to protect this landscape.</p> <p><u>Costs Award</u></p> <p>It was recognised that the Planning Committee attached weight to the SPPS in reaching its decision and that this itself was not unreasonable.</p> <p>As the evidence submitted by the Council did not however clearly define how the proposal was at odds in a clearly 'site specific way' with Policy, the Commissioner awarded costs to the appellant but limited these only to his rebuttal papers. These represent a total of 2 pages of text and it is anticipated costs associate with this part of the appellant's evidence will be minimal.</p> <p>The appeal was subsequently allowed subject to conditions.</p>
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: N/A
	Rural Needs Implications: N/A
5.0	Recommendation(s)
5.1	That Members note the PAC decision
6.0	Documents Attached & References
6.1	PAC decisions on the application and the award of costs

Appeal Decision

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87/91 Great Victoria Street
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T: 028 9024 4710
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E: info@pacni.gov.uk

Appeal Reference:	2017/A0176
Appeal by:	Mr G Bell
Appeal against:	The refusal of full planning permission
Proposed Development:	A single wind turbine of up to 2.3 megawatt power output with a maximum overall base blade to tip height of 92.5 metres. Ancillary developments will comprise wind turbine transformer; turbine hardstand, site entrance with sight line provisions; 1 no. electrical control kiosk, construction of new access track; communications antenna; underground electrical cables and communication lines connecting wind turbine to electrical control kiosk; on-site drainage works; temporary site compound; and all ancillary and associated works (renewal of I/2010/0211/F)
Location:	Beltonanean Mountain, Beltonanean TD, Cookstown
Planning Authority:	Mid-Ulster District Council
Application Reference:	LA09/2017/0272/F
Procedure:	Written representations and Commissioner's site visit on 13 th April 2018
Decision by:	Commissioner Julie de-Courcey dated 18 th April 2018

Decision

1. The appeal is allowed subject to the conditions set out below.

Claim for Costs

2. A claim for costs was made by the appellant against Mid-Ulster District Council. This claim is the subject of a separate decision.

Preliminary Points

3. As required by the Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2015, the Council carried out a determination as to whether the proposal was for EIA development. It concluded that the planning application subject of this appeal did not require to be accompanied by an Environmental Statement (ES). I am satisfied that the nil determination under the EIA Regulations taken by the planning authority is correct and that an ES is not required.
4. The planning authority's corporate decision is set out in its two reasons for refusal on the decision notice dated 4 October 2017. This supersedes individual officers' advice, comments and recommendations to the Council's Planning Committee in addition to the opinions of individual councillors and political parties. Concerns

about the basis on and manner in which the corporate decision was reached are outwith the remit of this appeal.

Reasons

5. The main issue in this appeal is the impact of the proposal on the visual amenity and landscape character of the Sperrins Area of Outstanding Natural Beauty (AONB) in general and of the particular locality, balanced against the environmental, economic and social benefits it offers.
6. The site is located on the slopes of Beltonanean Mountain that rises to 317m. The centre of the base of the turbine would be approximately located on the 290m contour. Access to the site would be taken from a point almost opposite the junction of Beltonanean Road with Beltonanean Lane in proximity to a dutch barn, two smaller, seemingly derelict buildings and several wall steads or former animal pens. Topography generally rises to the north and west of the site. Within 0.5km to the north-north-east of the appeal site is a lattice anemometer mast that is a notable feature in the local landscape. This appears to be the temporary 80m high meteorological mast (granted under I/2012/414/F) that is shown on the site location map for a proposed windfarm to the north of the appeal site (I/2014/0413/F).
7. The Cookstown Area Plan 2010 (CAP) currently serves as the local development plan for the area within which the appeal site lies. It shows that the site lies within the Sperrins AONB. However, it contains no material provisions in respect of the site or wind energy development. Therefore, the plan provides limited assistance in dealing with the appeal.
8. The provisions of the Strategic Planning Policy Statement for Northern Ireland (SPPS) are material in all decisions on individual planning applications and appeals. The SPPS sets out the transitional arrangements that will operate until a local authority has adopted a Plan Strategy for the whole of the council area. During this transitional period planning authorities will apply the SPPS and retained planning policy statements. Planning Policy Statement 21: *"Sustainable Development in the Countryside"* (PPS 21) is a retained policy document and provides the appropriate policy context. Policy CTY1 thereof sets out the types of development that are considered to be acceptable in the countryside. One of these is renewable energy projects in accordance with Planning Policy Statement 18: *"Renewable Energy"* (PPS 18). PPS 18 is supported by a Best Practice Guide (BPG) and a supplementary planning guidance document *"Wind Energy Development in Northern Ireland Landscapes"* (SPG). Planning Policy Statement 2: *"Natural Heritage"* (PPS 2) and Planning Policy Statement 6: *"Planning, Archaeology and the Built Heritage"* (PPS 6) are also pertinent to consideration of this proposal.
9. Paragraph 3.8 of the SPPS says that the guiding principle for planning authorities in determining planning applications is that sustainable development should be permitted, having regard to the provisions of the development plan and all other material considerations, unless the proposed development will cause demonstrable harm to interests of acknowledged importance.
10. The aim of PPS 18 is consistent with that of the SPPS to site renewable energy generating facilities in appropriate locations in order to achieve Northern Ireland's (NI's) renewable energy targets and to realise the potential benefits of renewable

energy without compromising other environmental assets of acknowledged importance. This is to some extent tempered by the objectives set out in Paragraph 3.2, which include ensuring that the environmental, landscape, visual and amenity impacts of renewable energy developments are adequately addressed and ensuring that adequate protection is given to the Region's built, natural, and cultural heritage features. The overall thrust of the document, though, is supportive of renewable energy development.

11. Both reasons for refusal make reference to the detrimental impact that the proposal would have on the Sperrins AONB; the first reason relying on Policy RE 1 of PPS 18 and the second on Policy NH6 of PPS 2. Paragraph 6.223 of the SPSS states that a cautious approach for renewable energy development proposals will apply within designated landscapes that are of significant value, such as AONBs and their wider settings. It adds that in such sensitive landscapes it may (*my emphasis*) be difficult to accommodate renewable energy proposals, including wind turbines, without detriment to the region's cultural and natural heritage assets. This reflects the wording previously set out in the BPG at paragraph 1.3.22 thereof. The continued adoption of the word "*may*" indicates that the SPPS policy does not preclude such development within AONBs. Although the BPG is guidance and not policy, it is to be taken into account in assessing proposals, as set out in the headnote to Policy RE 1 of PPS 18. Given its location within the Sperrins AONB, a cautious approach to the appeal proposal is merited in policy terms. That said, the proposal still stands to be considered on its own merits and in the context of its wider environmental, economic and social benefits.
12. Both the SPPS and Policy RE 1 of PPS 18 set out a qualified presumption in favour of renewable energy development unless it would have unacceptable adverse effects that are not outweighed by the local and wider environmental, economic and social benefits of the development. In relation to such benefits, Policy RE1 of PPS 18 states that the wider environmental, economic and social benefits of all proposals for renewable energy projects are material considerations that will be given "*significant*" weight in determining whether planning permission should be granted. However, paragraph 6.225 of the SPPS states that these material considerations will be given "*appropriate*" weight in determining whether planning permission should be granted. Paragraph 1.12 of the SPPS indicates that any conflict between it and any retained policy must be resolved in favour of the SPPS"
13. Mid Ulster District Council's Economic Development Plan "*Our Plan for Growth*" covers the period 2015-2020. One of its stated aims, at Section 1.4, is to promote sustainable development, including renewable energy initiatives.

Environmental, Economic and Social Benefits

14. Despite providing no corroborative evidence, the appellant said that there is a definite and viable plan to connect the proposed turbine to the electricity grid and that to do so would be economically worthwhile in isolation from his proposed second turbine that was recently refused on appeal (2016/A0221). The objectors consider that the unimplemented approval (I/2010/0211/F) proved unviable by virtue of the "*many strict conditions*" attached to it. The conditions to which it is subject are common to such development in terms of scope and requirements. There is no persuasive evidence to support their contention that the previous planning permission was not implemented due to them being restrictive.

15. The appellant identified a number of benefits likely to arise from the granting of permission for the proposed turbine. Some of those benefits are self evident and generally applicable to wind energy development such as reducing pollution, addressing climate change and providing “clean” electricity. The proposed development would also assist NI in reducing its fossil fuel dependency, achieving its renewable energy obligations and enhancing the diversity and security of its energy supply. The appellant estimated that the proposed turbine would offset CO2 omissions by at least 56,000 tonnes over its operational life-time (previously approved for 25 years). The turbine would have up to a 2.3 megawatt generating capacity. On the basis of it being located on what the appellant characterises as a “*very windy site*”, allowing it to operate at 30% capacity as opposed to 250 kilovolt turbines that would normally operate at approximately 17% capacity, he considers that this would off-set the need for 15 no. smaller turbines with the “*visual and other impacts associated with multiple developments*”. The claim that the proposed would supply the annual electricity needs of some 1,677 households was not disputed. While the proposal would provide revenue to the appellant and his farm business, he estimates that the annual business rates payable would equate to £25,000 a year and business taxes would yield a further £25,000. Even if these sums were not fully realised due to the application of what objectors refer to as the many rate reliefs that can be attached to businesses, it would yield revenue to the Council and Exchequer.
16. All of the above factors represent positive benefits favouring the appeal proposal. What remains to be determined is whether those benefits justify allowing the appeal and in so doing override the visual amenity and landscape character concerns expressed by the other parties to the appeal.

Visual Amenity, Landscape Character and impact on the AONB

17. Policy RE1 of PPS18 indicates that renewable energy development will be permitted provided it would not result in an unacceptable adverse impact on 5 criteria. Criterion (b) relates to visual amenity and landscape character. The policy goes on to say that wind energy development proposals as required to comply with a further 7 stipulations. Criterion (i) requires demonstration that the development will not have an unacceptable impact on visual amenity or landscape character through: the number, scale, size and siting of turbines. Criterion (ii) requires that the development has taken into consideration the cumulative impact of existing wind turbines, those which have permissions and those that are currently the subject of valid but undetermined applications. In all, the overall wording and thrust of the policy suggests that some degree of adverse impact may be acceptable.
18. Policy NH 6 of PPS 2 states that planning permission for new development within an AONB will only be granted where it is of an appropriate design, size and scale for the locality and where 3 criteria are met. The wording of the Council’s second reason for refusal indicates that it is concerned only with criterion (a) whereby the siting and scale of the proposal is sympathetic to the special character of the AONB in general and the particular locality.
19. The Northern Ireland Environment Agency (NIEA) published ‘*Wind Energy Development in Northern Ireland’s Landscapes*’ as SPG to PPS 18. The guidance is based on the sensitivity of landscapes to wind energy development and contains an assessment of each of the identified 130 Landscape Character Areas (LCA) in NI by

referencing the values and characteristics associated with each. Paragraph 1.1 of the SPG states that it shares the aim of PPS 18 to facilitate the siting of renewable energy generating facilities in appropriate locations within the built and natural environment in order to achieve NI's renewable energy targets and to realise the benefits of renewable energy. The purpose and scope of the SPG is indicated as being to provide broad, strategic guidance in relation to the landscape and visual impacts of wind energy developments. The SPG shows the appeal site lies within LCA 41 Slieve Gallion.

20. The SPG describes the LCA as having an overall sensitivity of high to medium and says that most of it has visual prominence and a role as an important landmark. However, it acknowledges that the LCA is of varied sensitivity, reflecting its varied character. The appeal site lies within the south-western part of LCA 41. The SPG says that the south-western outlier hills, although adversely affected by sand and gravel extraction and forestry, are visually prominent thus increasing the sensitivity of this area to wind energy development. Beltonanean Mountain is one of these outlier hills and, despite the presence of two quarries and Davagh Forest in the vicinity, I consider that this part of the LCA is a sensitive landscape.
21. Paragraph 6.229 of the SPPS says that the factors to be considered on a case-by-case basis when dealing with renewable energy proposals will depend on the scale of the development and its local context. Each proposal must be considered on its own merits taking account of prevailing planning law and policy at that time. Accordingly, the fact that the Council refused a wind farm consisting of 5 no. x 126.5m turbines and ancillary development at Beltonanean, Ballynasolus, Beleevna-More and Ballynagilly townlands (I/2014/0413/F) to the north of the appeal site, together with two other applications by the appellant for individual turbines that were subsequently dismissed on appeal (2014/A0234 & 2016/A0221) does not set a compelling precedent in respect of the current proposal.
22. The appellant referred to the approval of 6 no. wind turbines at Crockandun that he describes as some 9km north-east of the appeal site, relatively close to the prominent summit of Slieve Gallion and also within LCA 41 and the Sperrins AONB (H/2011/0212/F). He considers this a more sensitive location by comparison to the appeal site that he says is of a "*remarkably lower sensitivity*". Although no evidence was provided as to whether this approval preceded publication of the SPPS, as each proposal must be considered in its local context and on its own merits in light of prevailing policy, that previous grant of planning permission for a windfarm in the same LCA and AONB does not set a precedent for this proposal.
23. Other than refer to the provisions of the SPG, the Council did not specify what is considered to constitute the "*special character of the AONB in general and the particular locality*". Generalised references were made to the proposed development being: viewable from Davagh; in full view of Cookstown; views from within the AONB (i.e. from the north-west and west); and appearing clearly above the mountain. However, other than Beaghmore Stone Circles, neither party identified specific vantages from which they consider the proposed turbine would have an unacceptable adverse impact on the visual amenity and landscape character of the AONB. The Council also referred to significant public views particularly from a south-east approach but did not specify whether this was from one, some or all of Beltonanean Lane, Ballynasolus Road, Doons Road, Tulnacross Road or further afield. Mindful of what paragraph 1.3.25 of the BPG says about general perception

of a wind farm in an open landscape, it would be inappropriate for me to speculate on what vantage or vantages concern the Council.

24. Objectors are concerned about the proposal's cumulative impact when viewed in conjunction with "*multiple single turbines in the area*" in addition to wind farms at Crockandun, Cregganconroe, Crockagarron and Brackagh. The Council also referred to "*wind turbines in the area*" and said that when looking towards Lough Neagh, a proliferation of wind turbines can be seen. However, they did not include: maps showing the location of the wind energy development that they are concerned with; specify the number of turbines involved; nor provide details of the planning history to enable me to determine whether planning permission for these installations post-dated the grant of planning permission I/2010/0211/F.
25. The SPG was published in August 2010 and cautious approach to renewable energy developments in AONBs that it advocated was a material consideration when the previous proposal for this turbine was being assessed before permission was granted in May 2012 (I/2010/0211/F). In reaching its decision to approve that proposal, the Department took into consideration comments from its Landscape Architects Branch (LAB) whereby concern was raised regarding its impact on the landscape and AONB. However, LAB acknowledged that larger turbines had been allowed in more sensitive AONB locations. The Department found the proposal's wider environmental, economic and social benefits to be quite significant given the proposal's scale. However, the wording of its case officer's report does not suggest that this consideration was weighed into the overall decision. As the appellant contends, the report when read in the round, suggests that the proposal was found acceptable in terms of visual amenity, landscape character and effect on the AONB.
26. Nevertheless, in the intervening period, the cautious approach to renewable energy developments in AONBs has been elevated to policy and this change in status represents a material change in circumstances. However, in light of the identified evidential void, there is no persuasive evidence that the proposal would be at odds with criteria (b), (i) or (ii) of Policy RE 1 of PPS 18, the SPG to PPS 18 or criterion (a) of Policy NH 6 of PPS 2. As the proposal is consistent with PPS 18 it also complies with Policy CTY 1 of PPS 21.
27. The objectors said that the proposed development would be seen from Beaghmore Stone Circles, which are approximately 3.5km to the north-west of the appeal site (as the crow flies) and an Archaeological Site and Monument in State Care. Paragraph 6.8 of the SPPS says that development that would adversely affect such sites or the integrity of their settings must only be permitted in exceptional circumstances. Policy BH 1 of PPS 6 says that a presumption in favour will be operated in respect of the physical preservation in situ of archaeological remains of regional importance and their settings. These include monuments in State Care. Development that would adversely affect such sites of regional importance or the integrity of their settings will not be permitted unless there are exceptional circumstances. Having visited Beaghmore Stone Circles, I am satisfied that by virtue of intervening distance and topography, the proposed development would not adversely affect the Circles or the integrity of their setting. As the proposal is consistent with both the relevant provisions of the SPPS and Policy NH 1 of PPS 6, objectors concerns in this respect are not determining.
28. Objectors cited the grant of £2 million Heritage Lottery funding to Mid Ulster District Council as a material change in circumstances since the previous grant of

permission. However, they did not specify how the proposal would be at odds with approved funding activities that include: the protection and promotion of the landscape's archaeology; restoring and maintaining over 25,000 hectares of blanket and raised bog; reducing carbon emissions from the peatland; recruiting volunteers to help plant 100,000 native trees and increasing access to the landscape by installing over 10km of new trails and walks. Save for the need for a warning light on top of the turbine in order to address Ministry of Defence (MoD) concerns about air safety, there was no specific evidence as to how the proposal would prejudice designation of the first Dark Sky Reserve in NI to the north-east of the site since the 2012 approval was granted. A condition on any forthcoming planning permission requiring that an infrared obstruction light be installed on top of the turbine would safeguard MoD interests without compromise to the designation. Whilst a Councillor said that rotation of the turbine's blades would cause a visual disturbance in the night sky, there was no more detailed explanation of how this might prejudice the designation. Therefore, there is no persuasive evidence that the proposal would be at odds with these environmental and access projects or with the ambitions of Heritage funding to protect "*this extraordinary rural and isolated landscape*".

29. Subsequent proposals for wind energy development would have to be assessed against prevailing planning law and policy. As the current proposal is consistent with existing planning policy, it would not set an undesirable precedent for wind energy development proposals that are at odds with it.
30. Accordingly, the Council's two reasons for refusal are not sustained and the objectors' additional concerns do not attract determining weight. As I have concluded that the proposed development is acceptable in visual and landscape terms, its other environmental, economic and social benefits are not deciding factors.
31. The Case Officer's report to the Council's Planning Committee recommended conditions to be attached to any forthcoming planning permission. These largely replicate those attached to the planning permission granted in 2012. Albeit that the appellant is seeking to renew this approval, I have to be satisfied that those conditions comply with the requirements of paragraph 5.65 of the SPPS.
32. In the interests of road users' convenience and safety it is necessary to attach a condition requiring that the proposed access be constructed in a timely fashion, retained during the turbine's operational and decommissioning phases and to require the submission and implementation of traffic management measures during the construction phase. A condition regarding management of the area within the visibility splays is unnecessary as that detail is already shown on Drawing No: 08.
33. In order to minimise the risk of pollution during the construction phase a construction method statement, addressing specific concerns, is necessary.
34. The recommended conditions relating to the management, monitoring and review of the proposed turbine's noise impact are well-founded in "*The Assessment and Rating of Noise from Wind Farms*" (ETSU-R-97) that describes a framework for the measurement of noise from wind energy developments and gives indicative noise levels calculated to offer a reasonable degree of protection to neighbours, without placing unreasonable restrictions on generators. The BPG for PPS 18 advocates their use. Such conditions are necessary and reasonable in the interests of

safeguarding the amenity of sensitive receptors.

35. The BPG provides guidance on the phenomenon known as “shadow flicker”. It says that shadow flicker generally only occurs in relative proximity to sites and only properties within 130 degrees either side of north relative to turbines are affected (paragraph 1.3.73). It adds that at distances greater than 10 times rotor diameter, in this case 710m, the potential for shadow flicker is very low (paragraph 1.3.76). The appellant’s Drawing No: 01a indicates that there are dwellings within both these zones. Accordingly, a condition is needed to identify mitigation measures should the phenomenon affect sensitive receptors’ amenity as a result of the turbine hereby approved.
36. The BPG (paragraphs 1.3.58 – 1.3.60) acknowledges that turbines can interfere with domestic television reception but says that such interference is predictable in nature and capable of alleviation. On this basis, it is reasonable and necessary to attach a condition requiring submission of a remediation scheme for dealing with the issue should it arise as a result of this development.
37. The Case Officers recommended that conditions be attached requiring the appellant to submit a scheme for the assessment of amplitude/aerodynamic modulation (AM). Account cannot reasonably be taken of the future publication of associated guidance in respect of managing/regulating this phenomenon. Without persuasive evidence that it would be likely to have an unacceptable adverse impact on residential amenity in this particular instance, it is unreasonable and unnecessary to impose such conditions in this instance. In reaching this conclusion account has been taken of the fact that the recommended conditions were attached to the previous permission.
38. Paragraph 6.179 of the SPSS says that the presence or potential presence of a legally protected species (PS) is an important consideration in decision-making. It adds that if there is evidence to suggest that a PS is present on site or may be affected by the proposed development, steps must be taken to establish whether it is present, the requirements of the species must be factored into the planning and design of the development and any likely impact on the species must be fully considered prior to any determination. Paragraph 6.180 adds that planning permission will only be granted for a development proposal that is not likely to harm a European PS. Bats are such a species. Policy NH 2 of PPS 2 mirrors the provisions of the SPSS in this respect. The Natural Heritage Division of the Department of Agriculture, Environment and Rural Affairs (NH) said that the proposal is unlikely to have a significant impact on bat populations. There is no evidence that the buildings and trees adjoining, but outside, the appeal site are suitable for bat roosts or that any associated activity has been detected or recorded in the vicinity. Removal of these buildings, trees and aforementioned structures are not part of the proposal. Whilst cognisant of the fact that such a condition was attached to the previous permission, in this evidential context I am not persuaded of the need for the recommended condition relating to further inspection for any evidence of bat activity of mature trees and buildings/structures to be removed.
39. A condition limiting construction to outwith the bird breeding season is necessary for ecological reasons. Otherwise, NH said that they have no overall concerns as no priority habitats would be affected and they consider it very unlikely that the proposal would significantly increase risk to the local bird population. In that

evidential context I am not persuaded that it is necessary to attach a condition requiring ornithological monitoring. The suggested condition requiring a Habitat Management Plan refers to mitigation measures included in environmental information that the Department received in May 2010 as part of the previous planning application. Not only was this information not provided to me but, in light of NH's comments about the proposal not affecting PS, priority Habitats or bird species, there is no evidential basis for attaching it. I am mindful that the permission issued in 2012 was subject to such conditions.

40. A condition requiring that the Council be informed of the date of commencement of works on site and of the date when the turbine has become operational in terms of supplying energy to the national grid is necessary in order to provide a trigger for monitoring compliance with other conditions.
41. Taking account possible technological changes in the next 25 years, a condition needs be attached to limit the development's life-span accordingly. Provision also needs to be made for a scheme of decommissioning and restoration so the development's impact is not permanent. A condition requiring that power lines within the site are laid underground is necessary to minimise its visual impact within the AONB.
42. Subject to imposition of these conditions, the appeal is allowed.

Conditions

1. The development shall be begun before the expiration of five years from the date of this permission.
2. No development or site works of any nature shall take place until a construction method statement has been submitted to and agreed in writing by the planning authority. The statement shall include the following matters:
 - Measures for managing groundworks;
 - Site investigations to assess site stability;
 - Procedures for storage of any fuels and/or chemicals;
 - Routine plant inspections;
 - Reporting of pollution incidents;
 - Measures for the storage, removal and disposal of materials and machinery; and
 - Traffic management measures to be implemented during the construction phase of the development hereby approved;

All construction activities shall be carried out in accordance with the approved method statement unless otherwise agreed in writing with the planning authority.

3. No part of the development hereby permitted shall be commenced until the site access, including visibility splays, has been constructed in accordance with Drawing No: 08. These access arrangements shall be retained until the turbine has been decommissioned and removed from site.
4. The turbine hereby approved shall not be erected until a Ministry of Defence-compatible infrared obstruction/warning light has been fitted to the top of its hub in

accordance with specifications that have been submitted to and approved in writing by the planning authority. This light shall be operational through the hours of darkness and maintained in a serviceable condition throughout the lifetime of the turbine.

5. The turbine hereby approved shall not be erected until a scheme for the remediation of any interference with domestic television reception that may be caused by the operation of the turbine (including reception of services emanating from the Republic of Ireland) has been submitted to and approved by the planning authority. The scheme shall be carried out as approved.
6. Prior to the commencement of development, a report detailing measures to mitigate the effects of shadow flicker on nearby residential properties, should such problems arise within 5 years of the turbine hereby approved being commissioned, shall be submitted to and agreed in writing by the planning authority. The report and mitigation measures shall include timescales within which resolution of any justified complaint shall take place.
7. All construction activity shall take place outside the bird breeding season (1st March – 31st August in any year).
8. The noise immissions from the wind turbine hereby approved (including any tonal penalty) when determined in accordance with the procedures described in Paragraphs 2.0 and 2.1 on Pages 102 to 109 of ETSU-R-97, shall not exceed the values set out in the table below. Noise limits for dwellings that lawfully exist or have planning permission for construction at the date of this permission but are not listed in the table shall be those of the physically closest location listed in the table, unless otherwise agreed by the planning authority.

Night-Time (11pm – 7am) Noise levels dB_{LA90}, 10 minutes

	Standardised wind speed in metres per second at of 10 metres above the site						
Property	4	5	6	7	8	9	10
H4	43.0	43.0	43.0	43.0	43.0	43.0	43.0
H64	43.0	43.0	43.0	43.0	43.0	43.0	43.0
H67	43.0	43.0	43.0	43.0	43.0	43.0	43.0
H89	43.0	43.0	43.0	43.0	43.0	43.0	43.0

Day-Time Noise levels dB_{LA90}, 10 minutes

	Standardised wind speed in metres per second at of 10 metres above the site						
Property	4	5	6	7	8	9	10
H4	35.0	35.0	35.0	36.0	38.0	40.5	43.0
H64	35.0	35.0	35.0	36.0	37.5	39.5	41.5
H67	35.0	35.0	35.0	35.5	38.0	40.5	43.0
H89	35.0	35.0	35.0	36.0	38.0	40.5	43.0

9. The approved turbine shall not become operational until a scheme submitted by its operator, providing for the measurement of associated noise imissions, at locations to be agreed wiith the Council, has been submitted to and approved by the planning authority. The duration of such monitoring shall be sufficient to provide comprehensive information on noise levels in a representative range of wind speeds and directions. Monitoring shall be carried out within 6 months of the wind turbine first becoming fully operational and at the operator's expense. The scheme shall be carried out as approved and the results provided to the planning authority within 3 months of its completion unless otherwise extended in writing by the Council. The planning authority shall be notified in writing of the date of commencement of the noise survey at least 2 weeks in advance.
10. Wind speed, wind direction and power generation data shall be continuously logged throughout the period of operation of the wind turbine hereby approved. This data shall be retained for a period of not less than 12 months. At the request of the Council, the recorded wind data, measured or converted to 10m height above ground level and relating to any periods during which noise monitoring took place or any periods when there was a specific noise compliant, shall be made available to them.
11. Within 28 days of the receipt of a written request from the Council following a complaint which it judges to be reasonable from an occupant of a dwelling that lawfully exists or has planning permission for construction at the date of this consent, relating to noise from the turbine, the turbine operator shall, at his or her expense, employ a suitably qualified and competent person to undertake a noise test at the complainant's property to assess the level of noise immissions from the wind turbine. The consultant's assessment and conclusions regarding the complaint, including all calculations, audio recordings and the raw data upon which that assessment and conclusions were based, shall be submitted to the planning authority within three months of the date of the written request, unless otherwise agreed in writing with it. Approved mitigation measures shall be implemented within the agreed time-scale.
12. All power lines within the site shall be located underground.
13. The developer shall notify the Council in writing of the date of commencement of works on site and of the date when the turbine has become operational in terms of supplying energy to the national grid.
14. The permission shall be for a limited period of 25 years from the date on which electricity from the turbine is first connected to the grid. Within 12 months of the cessation of electricity generation at the site, or upon the expiration of this permission, whichever is sooner, all above ground structures and access tracks shall be removed and all land affected by the development restored in accordance with a decommissioning and restoration scheme that has been approved in writing by the planning authority or in accordance with any variation to the scheme that the planning authority has agreed in writing. The scheme shall be submitted to the planning authority at least one year prior to the commencement of any decommissioning works. It shall include details of all works and measures to restore the site, the timeframe within which they shall be carried out along with proposals for aftercare for a period of 3 years after completion of the restoration works.

This decision is based on the following drawings:

- Drawing No: 01a – Site Location Map;
- Drawing No: 02a – Site Location Map 1:2500;
- Drawing No: 03a – Site Layout Map;
- Drawing No: 04 – Proposed Wind Turbine;
- Drawing No: 05 – Wind Turbine Plan;
- Drawing No: 06 – Proposed NIE Kiosk Drawings;
- Drawing No: 07 – Road Construction Details;
- Drawing No: 08 – Site Entrance Details and
- Drawing No: 09a – Proposed Drainage Details.

COMMISSIONER JULIE DE-COURCEY

List of Documents

Planning Authority:	"PA 1"	Statement of Case
Appellant:	"APP 1" "APP 2"	Statement of Case Rebuttal
Objector:	"OBJ 1" "OBJ 1"	Statement of case from McRory family Rebuttal from McRory family

Appeal Reference:	2017/A0176
Appeal against:	The refusal of planning permission for a single wind turbine of up to 2.3 megawatt power output with a maximum overall base blade to tip height of 92.5 metres. Ancillary developments will comprise wind turbine transformer; turbine hardstand, site entrance with sight line provisions; 1 no. electrical control kiosk, construction of new access track; communications antenna; underground electrical cables and communication lines connecting wind turbine to electrical control kiosk; on-site drainage works; temporary site compound; and all ancillary and associated works (renewal of I/2010/0211/F)
Location:	Beltonanean Mountain, Beltonanean TD, Cookstown
Claim by:	Mr Graham Bell for a full award of costs
Claim against:	Mid Ulster District Council
Decision by:	Commissioner Julie de-Courcey dated 18 th April 2018

Decision

1. A partial award of costs is made.

Reasons

2. In accordance with the Commission's publication "Costs Awards Guidance" costs will normally only be awarded where all four of the following conditions are met:
 - The claim relates to a relevant type of appeal;
 - The claim is timely;
 - The party against whom the award is sought has acted unreasonably; and
 - The unreasonable behaviour has caused the party claiming costs to incur unnecessary or wasted expense.

Eligibility

3. The planning application to which the appeal relates was determined under the Planning Act (Northern Ireland) 2011. An appeal was made in accordance with Section 58 thereof against the refusal of planning permission to develop land. The Commission therefore has power to make an order as to the costs of parties in accordance with Section 205 of the Act.

Timeliness

4. Paragraph 20 of the Commission's aforementioned publication states that where an appeal is proceeding by exchange of written representations, any costs claim must accompany the claiming party's final written submission. As the appellant's claim was submitted with his rebuttal evidence, the claim was timely.

Unreasonable Behaviour

5. The claimant (Mr Bell) considers that the respondent (Mid Ulster District Council) acted unreasonably in two respects as follows:
 - Refusing the application and forcing submission of an appeal; and
 - Failing to present credible evidence in support of their case.
6. Reference is made to comments attributed to the Council's Planning Manager at the Planning Committee Meeting on 3 October 2017 that are not recorded in its minutes of proceedings. In his statement of case relating to planning appeal that has given rise to this claim, the appellant said that Mid Ulster Council does not record a comprehensive minute of the Planning Committee meetings and does not take an audio recording of them. Whilst not calling into question the integrity of the appellant's planning consultant or the veracity of his account of what was said at the meeting, it would be unfair of me to prefer his account of the discussion to that of the recorded minutes. The latter are a matter of public record even if not a word-for-word account. Similarly, the parties provide conflicting accounts of the Committee members' approach to wind energy development in principle. Without a full transcript of the debate I cannot fairly and reasonably conclude that undue weight was given to general concerns about wind turbines as opposed to that subject of the specific application under consideration.
7. The Strategic Planning Policy Statement for Northern Ireland (SPPS) was published in September 2015. The "*cautious approach*" that it advocated within designated landscapes that are of significant value such as Areas of Outstanding Natural Beauty (AONBs) represented a material change circumstances between May 2012 when planning permission was previously granted for the erection of a turbine and ancillary development on the appeal site (I/2010/0211/F) and the summer/autumn of 2017 when the Planning Committee considered the application for its renewal. The Council's officers assessed this consideration against other issues material to the proposal and concluded that the change in policy did not merit determining weight. The minutes of the meeting suggest that this material change in circumstances was influential in the Committee's decision to depart from its officers' recommendations.
8. The respondent provided a copy of the "*Protocol for the operation of Mid Ulster District Council Planning Committee*" as part of their response to this claim and asked that particular attention be paid to paragraphs 19 and 24-26 inclusive thereof. Mindful of my conclusions in paragraph 6 of this letter, there is no persuasive evidence that these were breached. Without prejudice to those conclusions, I note that the final sentence of paragraph 26 states that where the Committee is minded to overturn a recommendation to approve that the Planning Manager may also comment on whether a refusal on the proposed grounds is defensible, particularly at planning appeal.

9. In allowing the appeal giving rise to this claim, that I did not attach the same weight to the associated change in policy in the SPPS as the Council's Planning Committee did does not equate to refusal of the planning application being unreasonable and prompting an unnecessary appeal.
10. Paragraph 32 of the Commission's "*Appeal Procedures*" says that the submission of written evidence in the form of a statement of case is required for all types of procedure. This does not preclude a Council from submitting its officer's report to the Planning Committee as its statement of case. In this instance the respondent submitted the officer's initial report, the deferred consideration report that succeeded councillors' site visit, an extract from the Council's minutes of the Planning Committee meeting and planning history that it considered relevant to consideration of the appeal. This course of action is acceptable and expedient provided that the submitted information gives an adequate and cogent explanation of the Council's decision and enables the appointed Commissioner to fully appreciate what demonstrable harm it considers would be caused to interests of acknowledged importance if the appeal were allowed.
11. The shortcomings in the scope and level of detail in the Councils' evidence to substantiate its two reasons for refusal are fully set out in the associated appeal decision. Whilst the change in policy set out in paragraph 7 of this letter was influential in members rejecting their officers' recommendations and they were entitled to do so, the Council's submitted papers do not fully explain the ramifications of the change in policy in site-specific terms.
12. As the Council acknowledges in response to the costs claim, "*it might have been more appropriate to have provided to the Commission a clear summary of the content of the members decision to refuse*". Whilst the submitted evidence established the Council's policy-based concerns, it did not clearly define how the proposal was considered to be at odds with those policies. Therefore, I agree with the Council's comment. Had this evidential gap been bridged in its statement of case, the appellant would have had the opportunity to address those site-specific concerns in his rebuttal evidence. It was his choice to submit a rebuttal statement notwithstanding this evidential void. However, that the claimant chose to address points that he considered to arise from the Council's decision not to submit any further evidence other than that with which he was already familiar, does not prejudice the second element of his claim.

Unnecessary or Wasted Expenses

13. In claiming for a full award of costs covering "*the entire appeal process*", the claimant said the expenses incurred included:
 - a. Preparation of a statement of case; and
 - b. Review of and response to papers submitted by the Council and third party objector.
14. For the above reasons, I concur with the claimant that the Council did not present persuasive evidence in support of their case. This does not render the appeal unnecessary or the expense he incurred in preparing a statement of case nugatory as claimed at point a above. However, the matters identified at point b represented

unnecessary and wasted expense. Accordingly a partial award of costs to the claimant should be made in that respect

Order

It is hereby ordered that Mid Ulster District Council shall pay to Mr Graham Bell the costs of the appeal proceedings limited to those costs incurred in the review of and response to papers submitted by the Council and third party objector.

On receipt of this order Mr Graham Bell may submit details of those costs to Mid Ulster District Council with a view to reaching agreement on the amount. If the parties are unable to agree, the claimant may refer the matter to the Taxing Master of the High Court for a detailed assessment.

COMMISSIONER JULIE DE-COURCEY

List of Documents

Claimant: "C1" Cost Claim from Mr Graham Bell by Ross Planning

Respondent: "C2" Response to Cost Claim by Mid-Ulster District Council

Minutes of Meeting of Policy and Resources Committee of Mid Ulster District Council held on Thursday 3 May 2018 in the Council Offices, Burn Road, Cookstown

Members Present

Councillor Molloy, Chair

Councillors Ashton, Bateson, Buchanan, Cuddy, Doris, Forde, Gildernew, S McGuigan, McKinney, McPeake, M Quinn, Totten

Officers in Attendance

Mr A Tohill, Chief Executive
Mrs Canavan, Director of Organisational Development
Mr Kelso, Director of Public Health & Infrastructure (7.08 pm)
Mrs Kerr, Head of Finance
Ms Mezza, Head of Marketing and Communications
Mr Moffett, Head of Democratic Services
Mrs McNally, Council Solicitor
Mr JJ Tohill, Director of Finance
Mrs Grogan, Democratic Services Officer

The meeting commenced at 7 pm.

PR094/18 Apologies

Councillors Elattar, Kearney and McLean

PR095/18 Declaration of Interest

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

PR096/18 Chair's Business

The Chair, Councillor Molloy said that this would be the last meeting before the AGM and wanted to thank his party for nominating him to Chair the Policy and Resources Committee. He said that he wanted to also thank the Deputy Chair, Councillor Buchanan along with officers and support staff for all their assistance throughout his term.

Matters for Decision

PR097/18 Council and Committee Meeting Schedule 2018-2019

The Chair, Councillor Molloy drew attention to the previously circulated report to seek approval for the Council and Committee Meeting schedule for the period 2018-19.

Proposed by Councillor Buchanan
Seconded by Councillor Doris and

Resolved: That it be recommended it the Council to approve the Meeting Schedule for the period July 2018 to April 2019.

PR098/18 Request to Illuminate Council Property – May 2018

The Head of Democratic Services drew attention to the previously circulated report and asked members to consider a request from NF (Neurofibromatosis) to light up Council buildings to mark World Neurofibromatosis Awareness Day on Thursday 17th May. The request had been submitted to illuminate the Burnavon Arts & Cultural Centre and Ranfurly House Arts & Visitor Centre.

Proposed by Councillor S McGuigan
Seconded by Councillor Cuddy and

Resolved: That it be recommended to the Council that approval be given to the request to light up the Burnavon and Ranfurly Arts & Visitor Centres on Thursday 17th May to mark World Neurofibromatosis Day.

PR099/18 Retention and Disposal Schedule Planning Section Update

The Head of Democratic Services drew attention to the previously circulated report to seek approval for proposed amendments in respect of the Planning Service's section within Council's overall Retention and Disposal Schedule.

Proposed by Councillor S McGuigan
Seconded by Councillor McPeake and

Resolved: That it be recommended to the Council to approve the amendments to the planning section of the Retention and Disposal Schedule, the amendments when formally agreed by PRONI, will be laid before the relevant Minister and NI Assembly.

PR100/18 Policy on Room Hire – Proposed Amendment

The Head of Democratic Services drew attention to the previously circulated report to ask for consideration for an amendment to the Council's Policy on Room Hire, with specific reference to the categories of hirers who should be levied a hire charge for hiring Council facilities.

The Director of Public Health and Infrastructure entered the meeting at 7.08 pm.

Councillor Ashton said that it was her understanding that elected members shouldn't be charged a fee for the use of Council rooms and it was always the case in Dungannon Council that the Leisure Centre Staff would lock up the Offices when members vacated that buildings even after 10 pm. She enquired if any elected member has been charged.

The Head of Democratic Services advised that this issue had arisen when an elected member booked a room and the Policy and was applied with regard to hire charges.

The Chief Executive advised that in line with the Policy charges had been requested from one service area to another within the Council and this should not be the case if it is for progressing Council business and to date no-one has been charged.

Councillor Cuddy advised that his party had used facilities and had been charged and had no problem with it and asked if what was being presented was going to be the policy going forward.

Councillor Molloy said what was being presented was that facilities could be used by elected members dealing with Council business without being charged.

Proposed by Councillor McPeake
Seconded by Councillor Doris and

Resolved: That it be recommended to the Council to adopt the amendment to the policy to not charge elected members for hiring a room in a council facility, when a room in one of the civic offices is sought but not available.

PR101/18 GDPR Policy Changes

The Head of Marketing and Communications drew attention to the previously circulated report to outline changes to 2 policies to reflect the requirements of the General Data Protection Regulation (GDPR).

Councillor S McGuigan referred to the GDPR training which took place before this meeting tonight and said that he was confused as the meeting raised more questions than answers and that challenges needed addressed as the month prior it was indicated that 8 out of the 11 Councils were reimbursing members and that this should be taken into consideration for this Council.

Proposed by Councillor S McGuigan

That consideration needed to be given to reimbursement of payment to elected members and clarification on issues before a decision can be made.

The Chief Executive advised that a report could be brought to this committee on concerns raised.

Proposed by Councillor S McGuigan
Seconded by Councillor Bateson and

Resolved: That it be recommended to the Council to accept the GDPR additions to each policy and a report be brought back to committee on the payment of the Data Protection Registration fees for members.

PR102/18 Marketing & Communications Service Improvement Plan 2018-2019

The Head of Marketing and Communications drew attention to the previously circulated report to ask members to consider the draft Service Improvement Plan for the Marketing & Communications Service for the 2018-2019 year.

Proposed by Councillor Gildernew
Seconded by Councillor Doris and

Resolved: That it be recommended to the Council to accept the 2018-2019 Service Improvement Plan for Marketing & Communications.

PR103/18 External Signage – Arts & Cultural Facilities

The Head of Marketing and Communications drew attention to the previously circulated report to asked members to consider draft designs for new external signage at the Council's three arts and culture venues: The Burnavon, Ranfurly House & Hill of The O'Neill and Seamus Heaney HomePlace.

Councillor Ashton advised that her party would be proposing not to proceed with the recommendation and enquired if the Heaney family agreed to the proposal at the HomePlace.

Proposed by Councillor Ashton
Seconded by Councillor Forde

Not to accept the Officer recommendation

Proposed by Councillor S McGuigan
Seconded by Councillor Gildernew

To accept the Officer recommendation.

The Head of Marketing and Communications advised that the Head of Culture and Arts and the Manager of Seamus Heaney HomePlace had been consulted and no concerns had been raised.

In response to a query the Head of Marketing and Communications advised that there was presently no existing external signage at the 3 buildings which identified them as Mid Ulster District Council facilities.

The Chair put the two proposals to the vote:

Councillor Ashton's proposal not to accept the recommendation:

For	5
Against	8

Councillor S McGuigan's proposal to accept the recommendation:

For	8
Against	5

Councillor S McGuigan's proposal was carried to accept the Officer recommendation.

In response to Councillor McKinney's query about planning permission, the Chief Executive advised that this would likely fall within permitted development which wouldn't require planning permission.

Resolved: That it be recommended to the Council to accept the Arts & Cultural facility external designs.

PR104/18 Earls Project – Purchase of Lands at Killymerron Park, Dungannon

The Council Solicitor drew attention to the previously circulated report to:

- 1) Update members on the terms of transfer of lands at Killymerron Park, Dungannon
- 2) Seek members' approval to progress the purchase of Lands at Killymerron Park, Dungannon

Councillor Cuddy stated that it was a very good facility, which was widely used by all communities and would be happy to propose for the lands to be transferred, as it was a good news story.

Councillor Ashton said that during the time of Dungannon Council, there was resistance from the NIHE regarding the MUGA at Killymerron Park and that it was her understanding that the lands were only to be leased and not purchased.

The Council Solicitor said that she wasn't aware of discussions during the Dungannon term, but that it was her understanding that this would have been eventually an outright purchase and in the terms of size, location and boundaries, the red line was as per the conveyance that she took through Council in December 2016 and was essentially the lands on which the MUGA is located.

Councillor Gildernew advised that it would be helpful to have a map in the future so that members could have the opportunity to identify the area before the meeting.

The Council Solicitor advised that the transfer of this site, with the red line already identified, had gone through Council in July 2015 and then subsequently in December 2016. This report did not seek to amend any red lines or boundaries but was really to regularise the anomalies identified, mainly in relation to the identity of the transferor and the purchase price.

Proposed by Councillor Cuddy
Seconded by Councillor Gildernew and

Resolved: That it be recommended to the Council to note the amended terms in Table 1 and to approve that the Council progresses the purchase of Lands at Killymerron Park, Dungannon through to completion.

PR105/18 Service Improvement Plan 2018-2019 for Legal Services

The Council Solicitor drew attention to the previously circulated report to seek members' approval in respect of the Service Improvement Plan 2018-19 for Legal Services.

Proposed by Councillor Buchanan
Seconded by Councillor S McGuigan and

Resolved: That it be recommended to the Council to approve the Service Improvement Plan for Legal Services.

PR106/18 Organisational Development Service Plan 2018-2019

The Director of Organisational Development drew attention to the previously circulated report to seek members' approval of the Service Plan for Organisational Development Department 2018-2019.

In response to Councillor Cuddy, the Director of Organisational Development advised that the performance update from last year was included in the plan.

Councillor Ashton referred to the new data protection and enquired if there was adequate resources to cope with the workload within departments to deal with suppliers, customers and the community.

The Chief Executive said that there was a reliance on the main existing resources for GDPR but that this was welcomed by departments and service management i.e asset registers etc. He said that the ICT Manager would be leading up the efforts of the Council and an action plan would be developed with the Council Solicitor being on hand to provide expertise on staff training. He said that moving forward it was anticipated that the Council would be ready to be GDPR compliant by 25 May 2018 and although there would be an added pressure on staff resources, it was something that all departments are aware of coming into existence.

Proposed by Councillor S McGuigan
Seconded by Councillor McKinney and

Resolved: That it be recommended to the Council to approve the Organisational Development Service Plan for 2018-2019.

PR107/18 ICT Service Plan for 2018-2019

The Director of Finance drew attention to the previously circulated report to seek members' approval of the Service Plan for ICT Department for the 2018-2019.

Proposed by Councillor M Quinn
Seconded by Councillor S McGuigan and

Resolved: That it be recommended to the Council to approve the ICT Service Plan for 2018-2019.

PR108/18 Mid Ulster Bonfires - Resources

The Director of Public Health & Infrastructure drew attention to the previously circulated report to update members' on the Bonfire Management Programme and to seek financial resource for its implementation.

Councillor Forde enquired why the clean-up costs totalled within the region of £18,000 last year and this year £50,000 was being sought.

The Director of Public Health & Infrastructure said that the relevant Officer was of the opinion that a more structured approach to resourcing should be made and proposed that a suitable provision of £50,000 be sought for such eventualities in respect of cleaning up the sites.

In response to Councillor Buchanan, the Director of Public Health & Infrastructure advised that the £50,000 would be one year only, but that going forward a budget allocation would be brought in for management programmes.

Proposed by Councillor McPeake
Seconded by Councillor Gildernew

To accept the Officer recommendation to put an allocation aside as there was a requirement for resourcing and outworking policy.

Councillor Cuddy said that he sits on the Bonfire Working Group but was not aware of this figure being presented tonight and said that it was sad to see this money being put aside for this, as this was like an invitation to bonfire builders into doing this. He said that it would be more productive to look at supporting small groups and if we continue in the direction we are going, then there may be a requirement for more funding being needed. He said that he was disappointed to see nothing positive coming out of the Bonfire Working Group as people only wanted to celebrate their culture and felt that the Council should be bringing communities together and this was not the case.

Proposed by Councillor Ashton
Seconded by Councillor Forde

Not to accept the Officer recommendation.

Councillor Ashton said that her party would not be supporting the proposal and was concerned to see the cost rising from £18,000 to £50,000 and enquired whether it was the intention of the Council to go around every site to do a clean-up.

The Director of Public Health & Infrastructure advised that the costs included £25,000 for Site Management Costs and £25,000 for Contingency in case the situation arises where there was a risk to property or life and this had to be taken on board in the event of such possibilities.

In response to Councillor Ashton's query on suggested £10,000 for clear up of bonfires, the Director of Public Health & Infrastructure advised that this was a matter for the Council to provide clarity on.

Councillor Gildernew said that he was disappointed in his Unionist colleagues and said that previously in the Dungannon Council where concern was raised about bonfires being a risk, it was agreed that a beacon be used. He said that Sinn Féin were not here to ruin anybody's celebrations and that he would be the last to deny anyone their right to a bonfire, but that there was an issue of public safety here and that there was a need for the Council to be sensible and do the proper thing due to the safety aspect of things.

Councillor S McGuigan said it looked as if people were trying to make a negative out of a positive as this was funding being put away for such eventualities and that we are here to try to make things safer for the public on Council owned property and to say that £50,000 funding would be for the worst-case scenario.

Councillor Cuddy said that he understood where Councillor Gildernew and Councillor S McGuigan were coming from but stated that there were no issues in the past regarding the 6 bonfires in the area. He said that the forms for the Bonfire permits were huge and difficult to complete and now asking for £50,000 to remove debris of a site is a lot to ask and that elected Unionists in the area would need to find a favourable solution to try and move forward before bigger and uglier bonfires are created. He said that only two bonfires really give rise for concern, with the remaining four being trouble-free and this could result in local people becoming irate and it would be more practical to work together with the community in controlling the bonfires.

Councillor McKinney enquired if it was an Officer or the Chief Executive who issued their authority to do this. He said that there needs to be clarity if only one area or all areas are included and felt that this was too short of a timeframe to expect something to be sorted so quick. He said no-one likes heavy-handedness and that Sinn Féin are coming in about heavy-handedness.

The Director of Public Health & Infrastructure advised that a report is being presented to the Environment Committee setting out a Draft Policy for Guidance and advice for Bonfire Building and whatever comes onto Council Property, with a 12 week consultation and trial process over next number of months. He said that this was an opportunity for the Council to reflect on any issues raised and create a balanced approach.

The Chair said that there was an opportunity for the community to apply for community grants for festivals etc and that there was a process in place for this and was confident that Officers would be there to help communities in filling in the forms.

Councillor S McGuigan agreed that there was assistance for people filling in an application form and doesn't want this to stop.

Councillor Cuddy said that people weren't requesting any funding from groups as their only wish was to build a bonfire to celebrate their culture without filling out any forms. He said that it was unfair to push policies and constitutions onto these people as this was an ongoing event every year and felt that Mid Ulster District Council shouldn't be getting involved in these issues as this could result in bad press for the Council and more expensive as the summer goes on.

Councillor Gildernew said that bonfires sometimes encourages others from outside the area to come onto Council property and that we should be coming together as a Council to show leadership and a favourable way forward.

Councillor McPeake said that what the Council were asking for was to protect their property and if a community group were doing this, it wouldn't be permitted. He said that we have heard about liability around data protection and that was nothing compared to this, as it would only take a short timeframe to cause a disaster. He said that all bonfires were included and not just the 12th July bonfires and that the issue of hate crimes about tweets and effigies should not be tolerated and good relations demonstrated.

Councillor Cuddy said that he would like information brought to the next meeting on previous year costings for each of the six bonfires in the Mid Ulster area.

The Chair put the two proposals to the vote.

Councillor McPeake's proposal to accept the Officer recommendation:

For	8
Against	5

Councillor Ashton's proposal to reject the Officer recommendation:

For	5
Against	8

Councillor McPeake's proposal was carried.

Proposed by Councillor McPeake
Seconded by Councillor S McPeake

Resolved: That it be recommended to the Council to agree to the allocation of £50,000 for the Mid Ulster Bonfire Management Programme.

Matters for Information

PR109/18 Minutes of Policy and Resources Committee held on Thursday 12 April 2018

Members noted minutes of Policy and Resources Committee held on Thursday 12 April 2018.

PR110/18 Non-Domestic Property Revaluation 2020

Members noted previously circulated report on Non-Domestic Property Revaluation 2020.

PR111/18 Member Services

No issues.

Local Government (NI) Act 2014 – Confidential Business

Proposed by Councillor S McGuigan
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 PR112/18 to PR119/18.

Matters for Decision

PR112/18 Staffing Matters for Decision
PR113/18 Staffing Matters for Decision – NJCLGS Pay Award
PR114/18 Overtime Policy for Mid Ulster District Council
PR115/18 Gortgonis Update Report

Matters for Information

PR116/18 Confidential Minutes of Policy and Resources Committee held on Thursday 12 April 2018
PR117/18 Staffing Matters for Information
PR118/18 Contracts and DAC
PR119/18 Financial Report Timetable

PR120/18 Duration of Meeting

Meeting was called for 7pm and ended at 8.15 pm.

CHAIR _____

DATE _____

**Minutes of Meeting of Environment Committee of Mid Ulster District Council
held on Tuesday 8 May 2018 in Council Offices, Burn Road, Cookstown**

Members Present Councillor McGinley, Chair

Councillors Buchanan, Burton (7.13 pm), Cuthbertson, Gillespie, Glasgow, Kearney, McFlynn, B McGuigan, S McGuigan, McNamee, Mulligan, O'Neill, M Quinn, Totten

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

The meeting commenced at 7.00 pm

E133/18 Apologies

Councillor Reid.

E134/18 Declarations of Interest

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

E135/18 Chair's Business

The Chair, Councillor McGinley referred to the recent use of a defibrillator at Ardboe GAA Club which helped to save the life of a match spectator. The Chair stated that this case highlights the need for defibrillators in rural areas and asked for the support of the committee in writing to Ardboe GAA Club and the two people involved in the use of the defibrillator and helping to save the life of the spectator at a recent match. The Chair asked for an update on the resuscitation working group.

The Director of Public Health and Infrastructure advised that the last meeting of the working group had been last year and that since then there had been a shift in responsibility from the Health Board to the NI Ambulance Service. Funding had also been secured for a regional co-ordinator and that this person was now in place. The Director stated that Council was linking with the regional co-ordinator to set up future meetings.

Proposed by Councillor B McGuigan
Seconded by Councillor Gillespie and

Resolved That it be recommended to Council to write to Ardboe GAA Club and the people involved in the use of the defibrillator and helping to save the life of a spectator at a recent football match.

Councillor Cuthbertson referred to previous discussions regarding maintenance at Tamnamore Roundabout. The Councillor stated that it was his belief that following those discussions a report was to come forward regarding maintenance at Tamnamore Roundabout and that this was still outstanding.

The Director of Environment and Property advised that maintenance of roundabout at Tamnamore was included within appendix to report brought before committee last month. The Director stated that this would be checked and confirmed with the Councillor.

Matters for Decision

E136/18 Northern Ireland Human Rights Commission Report – “Out of Sight, Out of Mind: Traveller’s Accommodation in Northern Ireland”

The Director of Public Health and Infrastructure presented previously circulated report which provided Executive Summary to Northern Ireland Human Rights Commission report and its recommendations relevant to Council. The report also sought a nominee to represent Council at the Northern Ireland Local Government Traveller Partnership.

Councillor McNamee stated there was a Member who would be keen to represent Council on the Partnership but was not on the Environment Committee and asked if it was possible to nominate this Member.

It was advised that the nominee did not have to sit on the Environment Committee.

Councillor McNamee proposed that Councillor Bateson represent Council on the Northern Ireland Local Government Traveller Partnership.

Councillor S McGuigan seconded Councillor McNamee’s proposal.

Councillor Mulligan referred to previous occasion in which a Member was nominated to Tullyvar Joint Committee but that this was not allowed because they did not sit on the Environment Committee.

The Director of Environment and Property stated that this ruling had now changed and there were Members who sat on Tullyvar Joint Committee who were not Members of the Environment Committee.

The Chair, Councillor McGinley stated that the matter needed clarification at the Council meeting.

Councillor Burton entered the meeting at 7.13 pm.

Resolved That it be recommended to Council that Councillor Bateson be nominated to represent Council on the Northern Ireland Local Traveller Partnership. Clarification to be sought on whether a non member of the Environment Committee can sit on the Partnership.

E137/18 Mid Ulster Bonfires – Draft Policy

The Director of Public Health and Infrastructure presented previously circulated report which provided update on the Bonfire Management Programme and sought approval of the Draft Policy for the Management of Bonfires on Council Property and Community Celebration – Event Guidance/Application Pack.

Councillor Cuthbertson stated that a precedent had been set that no consultations are carried out over the summer months and that consultations had been held back on this basis in the past. The Councillor used consultation on works in Market Square as an example.

The Director of Public Health and Infrastructure stated that the time frame for the consultation was generous at 13 weeks which started at the beginning of June.

Councillor Cuthbertson asked how many meetings had been held with PSNI in relation to bonfires what Council officers had been present and when the most recent had been.

The Director of Public Health and Infrastructure advised regular briefings are held with PSNI which he and another Director attend.

Councillor Cuthbertson proposed that the consultation does not commence until September in line with previous consultations.

Councillor B McGuigan stated that the consultation time frame was agreed by the bonfire working group and that the process should not be stalled any longer. Councillor B McGuigan proposed that the Draft Policy for the Management of Bonfires on Council Property and Community Celebration Event Guidance / Application Pack be agreed and that that the consultation proceed as set out in the report commencing on 4 June for a 13 week period.

Councillor O'Neill seconded Councillor B McGuigan's proposal.

Councillor McNamee stated that it would be important in the interim that bonfires at Killymoon and Killymerron are watched carefully in conjunction with the Police to ensure that there is not a repeat to the problems of last year as Council are liable when the bonfire is held on their property.

Councillor Glasgow stated he would also have concerns regarding the consultation timeframe and proposed that the matter be deferred for further discussion in respective parties as had been done recently in relation to car parking.

The Chair, Councillor McGinley reminded Members that this matter had been ongoing for over two years.

Councillor Mulligan seconded Councillor Glasgow's proposal to defer the consultation until further discussion had taken place within respective parties.

Councillor McFlynn stated she had sat on the bonfire working group for a year and a half and referred to the amount of work which had gone into bringing this draft policy forward. The Councillor stated that the group had sought assurances that the consultation will be extensively advertised over the 13 week period. Councillor McFlynn also expressed disappointment as she had been contacted by the press who had information regarding the draft policy and questioned her on same.

Councillor Buchanan seconded Councillor Cuthbertson's proposal to defer the consultation process until September.

Councillor Glasgow stated he assumed all statutory bodies had bought into the draft policy and asked if it was correct that monies had been set aside for bonfire clean up.

The Chair, Councillor McGinley stated that NIEA have a statutory responsibility to remove toxic materials.

The Director of Public Health and Infrastructure stated that every statutory body has its own issues to deal with and referred to report regarding NIEA response in relation to bonfires later in the meeting. The Director advised of paper presented to P&R Committee in relation to making provisions for bonfire clean up.

Members voted on Councillor Glasgow's proposal to defer consultation until further considered by parties –

For – 2
Against – 10

Members voted on Councillor B McGuigan's proposal to agree draft policy for the Management of Bonfires on Council Property and Community Celebration Event Guidance / Application Pack and proceed with consultation commencing on 4 June for 13 weeks to 4 September –

For – 10
Against – 4

Members voted on Councillor Cuthbertson's proposal to defer the consultation until September in line with other Council consultations –

For – 3
Against – 10

Resolved That it be recommended to Council to approve the Draft Policy for the Management of Bonfires on Council Property and Community Celebration – Event Guidance / Application Pack as attached in appendix to report and proceed with public consultation exercise as outlined in report, commencing on 4 June to 4 September. Existing risk management procedures to be applied to any planned events this year.

E138/18 Coalisland Public Realm – Progress Update

The Director of Public Health and Infrastructure presented previously circulated report which provided update on Coalisland Public Realm Programme.

Councillor O'Neill stated that it was widely viewed that option one was best and that although there may be some traders who have voiced concern at this option it is not representative of all traders. Councillor O'Neill proposed that Council proceed with option one for the Public Realm Scheme in Coalisland.

The Director of Public Health and Infrastructure stated that at the public meeting held last week option one was favoured although there had been some traders who queried the impact on Coalisland when the scheme is complete. The Director highlighted that additional parking will be brought forward as part of the scheme.

In response to Councillor M Quinn's question the Director of Public Health and Infrastructure stated that there had been a review of valuation of the property in question and that this had been presented to the proprietor. If an accommodation is not reached, Council will want the dereliction of the property dealt with and the area landscaped and secured.

Councillor M Quinn stated that the majority of traders would be in favour of option one and referred to the amount of good work which has been done in bringing the proposals forward.

Councillor Gillespie seconded Councillor O'Neill's proposal to proceed with option one.

The Director of Public Health and Infrastructure also made Members aware of the consultation process which will be required to be undertaken by DfI Roads in respect of making Main Street, Coalisland one way traffic.

Councillor Cuthbertson stated there was a need for parking enforcement in Coalisland in order for the scheme to work and improve accessibility. The Councillor also referred to the consultation carried out by Council in relation to parking throughout the District and asked, if during that process, it had been identified that more parking was required in Coalisland. Councillor Cuthbertson also asked what effect extra car parking would have to car parking charges.

The Director of Public Health and Infrastructure stated there may be some reduction to on street car parking as a result of the scheme which is why additional car parking options are being looked into. The Director advised that DfI will bring a parking management process to Coalisland in line with other public realm schemes.

The Director of Environment and Property stated he did not recall a demand for additional car parking in Coalisland as part of the previous consultation. The Director stated that if additional car parking becomes a reality it would not be during this financial year so there was time to consider budgets. As any additional car parking will be off street it will be considered as part of the off street car parking strategy.

Councillor Cuthbertson welcomed parking enforcement taking place in Coalisland in the future.

In response to Councillor M Quinn's question the Director of Environment and Property advised that the number of disabled car parking spaces is a percentage of the total number of spaces available.

Councillor M Quinn stated that Coalisland was like most other towns and that there were some misguided people who do not park properly. The Councillor welcomed extra disabled car parking spaces being available in the future.

Resolved That it be recommended to Council that option one be approved as the preferred option for the Public Realm Scheme planned for Coalisland Town Centre.

E139/18 The Roads Miscellaneous Provisions Act (NI) 2010

The Head of Environmental Health presented previously circulated report which sought determination for a Road Closure Order to be made for two special events in June 2018.

Councillor McNamee advised that this matter had been discussed at the last Development Committee and that it had been proposed that Council write out to community groups providing advice on legislation requirements for road closures at events. Councillor McNamee proposed that the Road Closure Orders be made as set out in report.

Councillor B McGuigan asked what determines whether an event is large or small and whether a Road Closure Order is needed.

The Head of Environmental Health advised that if a road is to be closed entirely then those organising the event need to apply for a Road Closure Order. The Head of Environmental Health referred to previously circulated guidance which determines whether an event is large or small.

Councillor B McGuigan advised that he had been contacted by those organising the Draperstown event who stated that the cost of the traffic management plan is considerable and that they are unsure whether they can run the event.

The Head of Environmental Health suggested that events be organised in such a way as to prevent an entire road closure.

The Chair, Councillor McGinley suggested that Council write to the Department highlighting the difficulties this legislation is placing on community groups wishing to hold events.

Councillor McNamee stated that community groups simply do not have the money needed in respect of Road Closure Orders and that events will not be organised in the future as a result and proposed that Council write to the Department in this regard.

Councillor Glasgow stated that he would support writing to the Department as this matter had been discussed at NILGA and it is also causing concern in other Councils. Councillor Glasgow felt that Council was getting the blame for legislation introduced by central government.

Councillor Kearney referred to discussions regarding cost of Road Closures for future Belfast City Marathon which are said to be in the region of £120,000. Councillor Kearney stated that this Council did waive the administration fee for small groups which is to be welcomed.

In response to Councillor Cuthbertson's question the Head of Environmental Health advised that the cleansing deposit would be waived for the first event and depending on compliance whether it would be charged for recurring events.

In response to Councillor Burton's question the Head of Environmental Health advised that the appendix to the report detailed events which may or may not require a Road Closure Order. The Head of Environmental Health advised that it was a matter for the organiser of the event to decide if they wanted to close a road but highlighted that if a road is closed for an event without a Road Closure Order it would become a PSNI matter. If it is decided that the event does require a Road Closure Order then an application should be made to Council.

The Chair, Councillor McGinley stated that Council are in a difficult position and that there was a need for event organisers to be creative in how they run their event. The Chair suggested that community groups be given guidance from Council on how to organise their events.

Councillor B McGuigan seconded Councillor McNamee's proposals.

Councillor McNamee advised that discussion had also taken place at the Development Committee regarding training staff in relation to preparing traffic management plans however he had felt that staff should not be taken away from their everyday job and that additional staff would be required in that regard.

The Director of Public Health and Infrastructure advised that there was a limited resource for staff to get their everyday job done.

Councillor B McGuigan asked if all groups were aware of the legislation requirements in relation to road closures at an event.

Councillor McNamee advised that it had been agreed at the Development Committee that all groups on the community database should be contacted in relation to the required process for road closures at events.

The Head of Environmental Health highlighted that it takes in the region of 3 months to go through the application process.

Councillor Mulligan left the meeting at 8.02 pm.

- Resolved** That it be recommended to Council to -
- Approve the following Road Closure Orders in line with DfI Guidance –
 - Continental Market – Temporary prohibition of vehicular access to William Street, Cookstown from 18:30 hours on Friday 1 June 2018 until 22:00 hours on Sunday 3 June 2018.
 - Cookstown Summer Carnival – Temporary prohibition of vehicular access to Burn Road, Cookstown from 15:00 to 23:00 hours on Friday 29 June 2018.
 - Note the schedule of forthcoming events that may require a road closure.
 - Write to the Department expressing concern at the impact the Roads Miscellaneous Provisions Act (NI) 2010 is having on community groups in being able to hold events.

E140/18 Public Analyst Services

The Head of Environmental Health presented previously circulated report which sought to update the list of Public Analysts working on behalf of Public Analyst Scientific Services Ltd, the company currently appointed by Council to provide Public Analyst Services.

Proposed by Councillor McNamee
Seconded by Councillor McFlynn and

- Resolved** That it be recommended to Council to appoint the following persons as Public Analysts to the Council under Article 27 (1) of the Food Safety (Northern Ireland) Order 1991 with immediate effect –
- Ronald Anthony Ennion BSc, MChemA, CChem, FRSC, MIFST
 - Watney Elizabeth Moran MSc, MChemA, CChem, FRSC
 - Duncan Kenelm Arthur BSc, MChemA, CChem, MRSC
 - Nigel Kenneth Payne MSc, MChemA, CChem, MRSC
 - Joanne Hubbard BSc, MChemA, CChem, MRSC
 - Kevin Wardle MSc, MChemA, CChem, MRSC
 - Lilian Emma Jane Downie MChem, MChemA, CChem, MRSC
 - Michelle Evans BSc, MChemA, MRSC

Councillor M Quinn left the meeting at 8.04 pm.

E141/18 LPS Vacant Property Inspections

The Head of Building Control presented previously circulated report which sought approval of a Data Sharing Protocol between Mid Ulster District Council and Land and Property Services in relation to the Joint Working Programme for the Mid Ulster Non Domestic Vacancy Inspection Programme.

Councillor M Quinn rejoined the meeting at 8.06 pm during the above report presentation.

In response to Councillor Gillespie's question the Head of Building Control stated that as a result of carrying out inspections Council can receive an increased rateable income.

In response to Councillor McNamee's question the Head of Building Control advised that officers will try to identify if a property is occupied. If this is not possible officers will return to LPS in order for them to carry out further investigations. The Head of Building Control advised that the majority of Councils were participating in carrying out inspections. It was highlighted that this protocol was for non domestic properties.

Councillor B McGuigan asked if there was a different process for domestic properties.

The Head of Building Control stated that once domestic properties have been identified as occupiable officers will advise LPS.

Councillor B McGuigan referred to previous discussions on what defined a property as occupiable.

The Head of Building Control advised that when a property becomes weatherproof then the process of making the property rateable will commence. It was advised that this is not causing the same problems as some years ago as people seemed to be pushing on with building work more quickly.

In response to Councillor S McGuigan's question the Head of Building Control advised that if officers find a property is occupied they will return to LPS in order for them to take the process forward. It was highlighted that Mid Ulster does not have a high number of vacant commercial properties.

Proposed by Councillor McFlynn
Seconded by Councillor Kearney and

Resolved That it be recommended to Council to agree the Data Sharing Protocol as attached as appendix to report between Mid Ulster District Council and Land and Property Services in relation to the Joint Working Programme for the Mid Ulster Non Domestic Vacancy Inspection Programme.

E142/18 Street Naming and Property Numbering

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

Councillor Cuthbertson stated he had raised concern at a previous meeting regarding naming of each street in this development separately, the Councillor stated that he was still of the same opinion that naming each street separately will be confusing however he was content to step back on this occasion and have the streets named individually if it was the desire of the committee.

Proposed by Councillor S McGuigan
Seconded by Councillor O'Neill and

Resolved That it be recommended to Council to name development off Ranfurly Road, Dungannon as follows –
Road 1 - Castle Glen Avenue

Road 2 – Castle Glen Park
Road 3 – Castle Glen Ponds
Road 4 – Castle Glen Wood
Road 5 – Castle Glen Manor

Councillor O'Neill left the meeting at 8.16 pm.

E143/18 Dual Language Signage Requests

The Head of Building Control presented previously circulated report which advised of requests for Dual Language Signage from residents on streets/roads in the District.

The Head of Building Control also highlighted the process of dealing with Dual Language Signage applications and how this process could become more streamlined in future.

Councillor Glasgow expressed some concern at only making the public aware of the outcome of a decision on Dual Language Signage via the council website.

Proposed by Councillor McNamee
Seconded by Councillor S McGuigan and

Resolved That it be recommended to Council to proceed to survey the following roads on which a request for Dual Language Signage has been received –

- | | |
|---|--------------------------------|
| ▪ Greenvale Drive, Cookstown | ▪ Hillhead Road, Castledawson |
| ▪ Drummuck Road, Maghera | ▪ Lisnastrane Park, Coalisland |
| ▪ Gortalowry Park, Cookstown | ▪ Mulinderg, Draperstown |
| ▪ Mayogall Road, Magherafelt | |
| ▪ Report on streamlining the process of dealing with Dual Language Signage to be brought to future committee. | |

E144/18 Dual Language Signage Survey

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

The Chair, Councillor McGinley highlighted that the replies received in relation to Scotchtown Lane, Cookstown did not meet the necessary 51% quota and therefore did not meet policy.

Councillor B McGuigan proposed to proceed with the application of Dual Language Nameplates in Irish for Ballinderry Bridge Road, Coagh and Eglish View, Cookstown and that a further request from Scotchtown Lane, Cookstown could be considered following the expiry of 12 months from the date of this Environment Committee.

Councillor McNamee seconded Councillor B McGuigan's proposal.

Councillor Cuthbertson proposed that Council does not proceed with any of the Dual Language requests. In relation to Scotchtown Lane, Cookstown Councillor

Cuthbertson stated that this request does not meet with policy and should not proceed at this time and that a further request could be made at a later date.

Councillor Buchanan seconded Councillor Cuthbertson's proposal.

Members voted on Councillor Cuthbertson's proposal –

For – 4

Against – 9

Members voted on Councillor B McGuigan's proposal -

For – 9

Against - 4

- Resolved** That it be recommended to Council to –
- Agree the application of Dual Language Nameplates in Irish for –
 - Ballinderry Bridge Road, Coagh
 - Eglish View, Cookstown
 - To consider a further request from Scotchtown Lane, Cookstown following the expiry of 12 months from the date of this meeting of the Environment Committee (08/05/18).

E145/18 Rural Address Initiative

The Head of Building Control presented previously circulated report which highlighted the importance of rural house owners prominently displaying their house numbers across Mid Ulster District Council area.

Councillor Burton stated that there were equally as many houses in urban areas which did not display a number and proposed that any promotional event should be widened to include urban areas. Councillor Burton stated that Council could work with CSWAN, COSTA and Agewell in highlighting the importance of displaying house numbers.

Councillor Kearney highlighted that Mid Ulster has the worst ambulance response time.

Councillor Cuthbertson suggested that the Council magazine which goes out to all residents may be a way of highlighting this issue.

Proposed by Councillor Burton
Seconded by Councillor Kearney and

- Resolved** That it be recommended to Council to participate in a promotional event in partnership with 'Blue Light Services' to highlight the importance of prominently displaying house numbers especially in rural locations but also including urban areas.

E146/18 Amendments to the Fire and Rescue Service (Northern Ireland) Order 2006

The Head of Building Control presented previously circulated report which advised of consultation in relation to the proposal to make amendments to the Fire and Rescue Service (Northern Ireland) Order 2006.

Proposed by Councillor S McGuigan
Seconded by Councillor McNamee and

Resolved That it be recommended to Council to approve the draft responses to questions 1 and 2 of the consultation in relation to the amendment of Fire and Rescue Service (Northern Ireland) Order 2006 as detailed in report.

E147/18 Environmental Services Service Improvement Plan 2018/19

The Head of Environmental Services presented previously circulated report which detailed Environmental Services Service Improvement Plan for 2018/19.

The Head of Environmental Services highlighted that Council had maintained its position as the top performing local authority in Northern Ireland by achieving the highest household recycling rate of all eleven Councils and by exceeding the 50% EU target set for 2020. Mid Ulster District Council was also a top performer in street cleansing.

Councillor Burton referred to the target of reducing overtime by £35,000 for the 2018/19 year and asked what impact this will have on workloads and if extra staff will be required to be employed. Councillor Burton also advised there was some concern amongst staff in relation to overtime and working over holiday periods.

The Director of Environment and Property advised that the days/times of operation for services within Environmental Services was previously agreed for the next year. As part of the harmonisation process staff in Dungannon were regraded and that if a member of staff works a bank holiday they are entitled to time plus time plus a day in lieu as per Green Book. The Director stated there was an expectation that bank holiday refuse collections were covered however he advised that collections over the Christmas period have been moved. The Director stated that the budget for overtime has been cut by some £50,000 compared to 2017/2018. With regards to the reorganisation of weekend street cleansing the Director advised that it is planned to move to separately contracted work as opposed to overtime for this service which may mean some staff having more than one contract, discussions in this regard are ongoing with Trade Unions.

Proposed by Councillor McNamee
Seconded by Councillor S McGuigan and

Resolved That it be recommended to Council to approve the Environmental Services Service Improvement Plan for 2018/19.

E148/18 Property Services Service Improvement Plan 2018/19

The Head of Property Services presented previously circulated report which detailed Property Services Service Improvement Plan for 2018/19.

Proposed by Councillor McNamee
Seconded by Councillor Kearney and

Resolved That it be recommended to Council to approve the Environmental Services Service Improvement Plan for 2018/19.

Matters for Information

E150/18 Minutes of Environment Committee held on Tuesday 10 April 2018

Members noted minutes of Environment Committee held on Tuesday 10 April 2018.

E151/18 NIHE – Traveller Provision

Members noted previously circulated report which provided update on NIHE – Traveller provision within Mid Ulster District Council area and progress on site assessment.

E152/18 Animal Welfare Service Delivery Statistics 2016/17

Members noted previously circulated report which provided the DAERA annual report on animal welfare. The report set out information relevant to the public in relation to the animal welfare service provided by each of three different enforcement bodies.

E153/18 Correspondence Reply from Northern Ireland Environment Agency regarding Seasonal Bonfires

Members noted previously circulated report which provided update from the Northern Ireland Environment Agency on matters relating to bonfires in the run up to the July bonfire season.

E154/18 Investigation Report on Keep Warm Packs – Management Implementation Plan

Members noted previously circulated report which provided update on the Management Action Plan associated with the recommendations of the recent Keep Warm Pack Audit.

E155/18 Building Control Workload

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

E156/18 Entertainment Licensing Applications

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

E157/18 DfI Proposals for Abandonment of Road at Annaghilla Road, Augher

Members noted previously circulated report which advised of the Department for Infrastructure's intention to carry out a partial abandonment of road at Annaghilla Road, Augher.

E158/18 Cleaner Neighbourhoods Survey/Report 2017/18

Members noted previously circulated report which advised of results of the annual Cleaner Neighbourhoods Survey/Report.

Councillor B McGuigan referred to local communities who have held litter picking events and felt this was a good initiative which is educational and helped in making people think twice about littering. The Councillor felt that Council should be supportive of such initiatives and encourage other areas to hold similar events.

The Director of Public Health and Infrastructure advised that there was an officer task group which was looking at a number of issues in relation to littering and that a report would be brought to committee in the near future.

In response to Councillor Kearney's comments the Director of Environment and Property advised that Council was currently in the process of producing guidance notes in relation to the public holding litter picks. The Director advised that Council was happy to lend litter pickers and high vis bibs to such events.

Councillor Kearney stated that advice on co-ordination of litter pick events along the roadside would be useful.

The Chair, Councillor McGinley suggested that this be incorporated into the guidance notes being produced.

Councillor Glasgow stated that Mid Ulster District has the highest number of schools participating in the Eco Schools scheme. The Councillor also highlighted that the rural area does suffer from littering along the roadside.

Councillor M Quinn referred to Lough Neagh Partnership who have provided advice and equipment on recent litter picks and that this should be promoted.

Councillor McFlynn referred to the Live Here Love Here Programme which she stated was a good scheme and that groups can 'Adopt a Spot' through this Programme. Councillor McFlynn also referred to the fact that Mid Ulster Council had only issued twelve fixed penalty notices in the year and that it was adults who were causing the littering.

E159/18 Eco Speak Competition

Members noted previously circulated report which provided update on the annual Eco Speak Competition for Mid Ulster Primary Schools held on 17 April.

The Chair, Councillor McGinley stated that this was an excellent event and it was good for Members to hear the suggestions made by the participants. The Chair encouraged Members to view the presentations made by the four finalists via the YouTube link within the report.

Councillor Burton stated that this was a good event and a lot of work had been put in by the participants. Councillor Burton stated that a commitment had been given to look at the suggestions made on the day of the event and in particular that of the winner – ‘If its not blue it won’t do.’

The Chair, Councillor McGinley suggested that a report be brought back to committee on the proposals put forward by finalists.

Agreed.

Resolved That it be recommended to Council that a report on proposals put forward by finalists of the Eco Speak competition be brought to future committee meeting.

E160/18 Introduction of prepayment system at Recycling Centres

Members noted previously circulated report which provided update on the introduction of a pre-payment system for the acceptance of commercial waste at Cookstown, Drumcoo and Magherafelt Recycling Centres.

E161/18 Disposal/Sale of Assets – Fleet and Plant

Members noted previously circulated report which advised of the disposal/sale of surplus fleet, plant and equipment from Mid Ulster District Council.

Local Government (NI) Act 2014 - Confidential Business

Proposed by Councillor Gillespie
Seconded by Councillor S McGuigan and

Resolved In accordance with Section 42, Part 1 of Schedule 6 of the Local Government Act (NI) 2014 that Members of the public be asked to withdraw from the meeting whilst Members consider items E163/18 to E168/18.

Matters for Decision

- E163/18 Tender Report for the Replacement Roof at Dungannon Depot
- E164/18 Amenity and Planting Sponsorship

- E165/18 Consultancy/software for refuse collection route optimisation
E166/18 Residual Waste Contract – Award Challenge Update

Matters for Information

- E167/18 Confidential Minutes of Environment Committee held on Tuesday 10 April 2018
E168/18 Capital Projects Update

E169/18 Duration of Meeting

The meeting was called for 7.00 pm and ended at 9.22 pm.

CHAIR _____

DATE _____

**Minutes of Meeting of the Development Committee of Mid Ulster District Council
held on Thursday 10 May 2018 in the Council Offices, Burn Road, Cookstown**

Members Present

Councillor Wilson, Chair

Councillors Burton, Clarke, Cuddy, Doris, Elattar, McAleer (7.05 pm), McEldowney, McFlynn, Milne, Molloy, Monteith (7.09 pm), G Shiels

**Officers in
Attendance**

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

**Others in
Attendance**

Agenda Item 4 – Deputation

Muintir na Mointeach (Washingbay Community Group)
Mr Conor Corr, (Muintir na Mointeach & CSWAN)
Dr William Burke, (Lough Neagh Landscape Partnership)

The meeting commenced at 7.00 pm.

The Chair advised that he had to leave early

D087/18 Apologies

Councillors Forde and McNamee.

D088/18 Declaration of Interests

The Chair reminded members of their responsibility with regard to declarations of interest and advised any declarations could be taken throughout the meeting.

D089/18 Chair's Business

The Chair, Councillor Wilson passed on the sympathy of the Committee to the Acting Head of Leisure on the recent death of his father.

Councillor McAleer entered the meeting at 7.05 pm.

D090/18 Deputation – Muintir na Mointeach (Washingbay Community Group)

Councillor Monteith entered the meeting at 7.09 pm.

The Chair welcomed representatives from Mr Conor Corr and Dr William Burke from Muintir na Mointeach (Washingbay Community Group) to the meeting and invited them to make their presentation.

Mr Corr advised that the Washing Bay Wetlands Parks was “A centre for recreation, healthy living & Heritage interpretation”.

The representatives provided an overhead presentation on the projects as outlined:

- Project 1 – Walkway with park lighting
- Project 2 – Lough Neagh Access Project
- Legal Issues
- Financial Issues
- Technical Issues
- Partnership

The advised that they would like the Council to give consideration and approve:

- Endorsing the Washingbay Masterplan
- Providing a £25,000 contribution to Project 1
- Relevant permissions for Muintir na Mointeach working in partnership with LNLP and MUDC Officers to progress Project 1 as Lead Partner
- Providing a £1,000 contribution to LNLP who will take Project 2 to Technical Design Stage (RIBA Stage 4) for submission to MURDP Lough Neagh Cooperation programme

The Chair thanked the Mr Corr and Dr Burke for their presentation and stated that it was a good ambitious project and asked for members comments.

In response to Councillor G Shiels query, Mr Corr took members through the map and advised that the new route would be within the Council's boundary with updated existing walkway, which would be created in a circular route for walking. He said that engagement had taken place with the local football club who owned the pitch and stated that they were content as this was within their objectives. He referred to the perimeter fence and advised that this was leased to the Council by the football club and that the carpark was managed by both the Council and Lough Neagh Partnership.

The Chair thanked Mr Corr and Dr Burke for their attendance at which the left the meeting at 7.19.

The Chair advised that the recommendation of the Council would be to agree to the proposal in principle, pending a full report being brought back to committee by the Head of Parks.

Proposed by Councillor Molloy
Seconded by Councillor McAleer and

Resolved: That it be recommended to the Council to agree to the proposal in principle pending a further report being submitted by the Head of Parks.

Matters for Decision

D091/18 The Heart of Ancient Ulster Landscape Partnership Scheme (THoAULP) – Approval to Tender and Appoint an External Consultant

The Head of Tourism drew attention to the previously circulated report to update the Council on the Heart of Ancient Ulster Landscape Partnership Scheme (THoAULP) and request to tender and appoint an External Consultant to assist with the development of the Landscape Character Area Plan.

Proposed by Councillor Doris
Seconded by Councillor Clarke and

Resolved: That it be recommended to the Council that approval be granted to tender and appoint an External Consultant to assist with the Landscape Character Area Plan.

The Head of Tourism advised that the proposal was approved by Fermanagh and Omagh District Council last Tuesday night.

D092/18 Tourism Ireland Stand at Royal Highland Show, Edinburgh 21-24 June 2018

The Head of Tourism drew attention to the previously circulated report and sought approval to promote Seamus Heaney Experience and Mid Ulster Council Tourism product at Royal Highland Show, 2018 on the Tourism Ireland stand.

Proposed by Councillor Burton
Seconded by Councillor McFlynn and

Resolved: That it be recommended to the Council to continue engagement with Tourism Ireland and participate in Northern Ireland Industry Co-Operative Programme by promoting at Royal Highland Show, Edinburgh from 21–24 June 2018.

D093/18 Tourism Services Improvement Plan 2018-19

The Head of Tourism drew attention to the previously circulated report and sought approval for the Tourism Service Improvement Plan for 2018-19.

Councillor Monteith said although there was nothing he could argue with within the plan, there was a glaring omission regarding the lack of beds within Dungannon and the surrounding area and asked why this wasn't a key objective as there was a need to attract an hotel to the region and why there wasn't ambition to pursue this.

The Head of Tourism agreed that Councillor Monteith raised a valid point but that the ultimate plan would be to build an ultimate product. He said that his team were working with the private sector to try and remedy this and were also working with Lake Torrent to try and get a possible opportunity for beds in the area. He advised that

Officers were continuously working in the background to try and bring beds to the Dungannon area.

Councillor Cuddy referred to item 1.4 – Performance Overview in 2017/18 and enquired how much the Council had travelled in the terms of enhancing visitor numbers and felt that to date there should be more evidence on how we are progressing in terms of Tourism.

The Head of Tourism stated that tourism was progressing well as the Burnavon had been awarded a 4* rating and anticipating for a 5* rating for the Seamus Heaney HomePlace.

Councillor Clarke said that he agreed with Councillor Monteith's sentiments and referred to the Sperrins, which includes the Dark Skies Project, Slieve Gallion and Davagh Forest to name a few and said that whilst talking to tourists they are concerned about the lack of accommodation in the district as they wished to experience of staying overnight to witness the Dark Skies etc. He said that there was a need to have an in-depth look at how this could be developed, as there needs to be a financial return for the area.

Councillor Monteith said that he was fed up listening to promises year on year on the provision of beds and hotels in Dungannon, but said that he would be happy to propose the Officer recommendation presented tonight as long as there was an assurance of beds and hotels being brought to the area.

Councillor G Shiels said that it may be useful if literature and other promotional material was left at hotels or other tourist venues in Belfast to advertise the Dungannon area.

Councillor Burton said that it was her understanding that an hotel would be brought to the Dungannon area through the Ann Street Project.

The Director of Business and Communities advised that this was part and parcel of the developer's proposal.

Councillor Burton referred to Fivemiletown and the other Clogher Valley areas and stated that they were the gateway into Fermanagh and felt that the beauty of the local area needed to be showcased. She said that there were a pile of new B&B's coming on board as part of Tourism Forum and they wished to get involved. She said that she had received complaints regarding the Round Lake, including the pavilion and toilets becoming very dilapidated and in dire need of being revamped, increase in anti-social behaviour and trees overgrown around the route of the lake. She stated that during the term of the legacy Dungannon Council, a boat was sent out every year to clean the lake out and since the new Mid Ulster Council became operational, this was not the case. She said that she hoped that something could be done in the area as tourism needed to be attracted to the area and deterrents set in place to combat anti-social elements entering the area.

She also referred to Aughnacloy as a gateway to the border area and felt that it should be a base going forward.

Councillor Wilson referred to the performance overview and highlighted the issue of absent hotels and B&B's in the Dungannon area and stated that whilst it wasn't our responsibility, there was a need to work in conjunction to help the situation, as 18 years to wait for an hotel in Dungannon area was unacceptable and that there was also the need to take into consideration the rural areas. He said that there were a number of issues needing looked at.

Councillor Monteith reiterated that he had no issue with the plan but would have issues around waiting numerous years for the construction of a hotel in Dungannon.

Councillor Burton referred to the two hotels in the Clogher Valley area and said that sometimes hotels outside our area are favoured over ours and asked that the local hotels be considered in the future for events.

Proposed by Councillor Monteith
Seconded by Councillor Cuddy and

Resolved: That it be recommended to the Council to approve the Tourism Services Improvement Plan for 2018-19 and investigations be carried out on how beds can be provided in the Dungannon area.

D094/18 Redevelopment of the former Maghera High School Site, Maghera

The Director of Business and Communities drew attention to the previously circulated report to update Members on progress of the redevelopment of the former High School Site, Maghera.

Proposed by Councillor G Shiels
Seconded by Councillor McFlynn and

In response to Councillor G Shiels' query of whether a walkway could be provided at the site, the Director of Business and Communities advised that the site would be developed as an industrial park but consideration could be given to the request during the design stage. He said that it was a very ambitious project to accommodate local business needs and that the Planning PAN process would allow for this. He stated that findings would be brought back to Council for consideration, with full planning permission submitted by August 2018 and completion of project by June 2019.

Resolved: That it be recommended to the Council to approve the submission of PAN including outline site map/drawing (in Appendix 1) in order to commence the formal planning application process and to note progress.

The Chair, Councillor Wilson advised members that this would be his last meeting as Chair of the Development Committee and thanked them for all their support throughout the year.

The Chair left the meeting at 7.35 pm, and the Deputy Chair, Councillor Doris took the Chair.

Councillors Burton and Cuddy left the meeting at 7.35 pm.

D095/18 Community Development

The Head of Community Development drew attention to the previously circulated report to:

- 1) Seek Committee approval for Good Relations and Community Festivals rolling grant award recommendations
- 2) Agree the Peace IV Partnership recommendations
- 3) Consider a partner initiative with the Southern Health and Social Care Trust and community regarding a new learning disability base in Dungannon
- 4) Consider the request to continue to support the VPRS scheme storage provision (£273 annual contribution) supporting the transfer of Refugees into accommodation and to resettle in Northern Ireland
- 5) Agree GDPR (Government Data Regulation Protection) requirements for community development
- 6) Update on Community Development

Resolved: That it be recommended to the Council that approval be granted to:

Proposed by Councillor Molloy
Seconded by Councillor McAleer and

Resolved: 1) Grant award recommendations under the Community Local Festivals Grants and Good Relations Grant as per Appendix 1 £8,299 and £6,490.

Proposed by Councillor McFlynn
Seconded by Councillor Doris and

Resolved: 2) Peace IV Partnership recommendations for the Cross Border Literary Programme procurement to a maximum budget of £20,000 and Phase II Grants to a maximum budget of £148,340.10.

Proposed by Councillor McAleer
Seconded by Councillor McFlynn and

Resolved: 3) Additional statement as detailed within the report to the Community Grants Policy 2018-19.

Proposed by Councillor Molloy
Seconded by Councillor McAleer and

Resolved: 4) Support to the VPRS storage scheme at a cost of £273 from Good Relations budget to Kiltonga Charity.

Proposed by Councillor Doris
Seconded by Councillor Molly and

Resolved: 5) The partner delivery and SLA with the Southern Health and Social Care Trust for the provision of a pilot Day Opportunities base in Dungannon
Proposed by Councillor Molloy
Seconded by Councillor McFlynn

Resolved: 6) Note the Community Development Update report.

D096/18 Community Development Service Improvement Plan 2018-19

The Head of Community Development drew attention to the previously circulated report and sought approval for the Community Development Service Improvement Plan for 2018-19.

Proposed by Councillor Monteith
Seconded by Councillor Molloy and

Resolved: That it be recommended to the Council to approve the Community Development Service Improvement Plan for 2018-19.

D097/18 Economic Development

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

- **Mid Ulster Village Spruce Up Scheme**
 - **Phase 1 – Evaluation Report**
Progress Noted
 - **Phase 2 – Reserve List**

Councillor Molloy said the Village Spruce Up Scheme had been very successful to date and asked that a scoping exercise be carried out before the next financial year to determine interest in a further Village Spruce Up Scheme for 2019/20 as some business owners had missed out.

The Head of Economic Development said that the member's views would be taken on board.

Proposed by Councillor Molloy
Seconded by Councillor Clarke and

Resolved: That it be recommended to Council to note the 44 successful applicants on the reserve list (ie Phase 2) and to approve the additional elements of works for grant aid on applications VSS17/64, to the value of £750 and VSS17/157 to the value of £315.

- **Home Office – EU Settlement Scheme**

Councillor Monteith asked what benefits the Officers saw in this project. He added that Council had built up a good reputation with the local migrant community and

would be fearful of putting that at risk by getting involved in this project with the Home Office.

The Head of Economic Development advised that this pilot project sought to engage with the local migrant community now on settlement issues post Brexit.

Councillor Monteith said that he would be very sceptical regarding the scheme.

The Director of Business and Communities said that he took on board Councillor Monteith's concern and that there would be no reason why Officers couldn't go back to NILGA and seek further clarity and bring back to a future meeting before a decision can be made.

Proposed by Councillor Molloy
Seconded by Councillor Monteith and

Resolved: That it be recommended to Council that Officers seek further clarity from NILGA and bring back to Committee before a decision is made.

- **Cookstown Continental Market – 2–3 June 2018**
Note details of the event
- **Village Renewal Project**
Progress Noted.
- **Coalisland Public Realm**
Progress Noted.
- **Hong Kong Trade Visit**
Progress Noted.
- **GDPR Business Seminar**
Note the event.
- **Mid Ulster Skills Forum**
Note Minutes – 13 December 2017.
- **World Butchers Challenge**
Members noted report on the World Butchers Challenge.
- **Broadband Correspondence from Dept for the Economy**
Members noted correspondence from Dept for the Economy.
- **Economic Development Achievements 2017/18**
Members noted Economic Development achievements in 2017/18.

D098/18 Economic Development Service Improvement Plan 2018-19

The Head of Economic Development drew attention to the previously circulated report and sought approval for the Economic Development Service Improvement Plan for 2018-19.

Councillor Monteith enquired if Planners had ever sought the views from Economic Development regarding their opinions on planning applications related to town centre proposals.

The Director of Business and Communities advised that this does not happen formally.

Councillor Monteith stated that there were many large empty retail units which the Planning Department granted approval to change the use of and felt that this was unacceptable as they should have been liaising with officers within Economic Development. He said he has concerns over decisions that Planners have taken concerning urban applications and is still awaiting the finished Development Plan, which was 6-7 years behind schedule. He said that there was a fundamental weakness within the organisation as planning applications are being made on issues without the input of Economic Development staff.

The Director of Business and Communities said that his officers do not be consulted on these issues but that there was participation on shaping the new Development Plan especially in relation to our towns and villages. He said this is what happens currently, but he would raise the issue with Council's SMT and seek a response for the Member.

Councillor Monteith said if the Council were serious, then retail space needs to be protected and if there was any proposed change of use in existing retail units then views could be sought from Economic Development.

Councillor G Shiels said that it was evident that no planning has been considered within towns for years and it was gradually getting worse. He said that the Community Plan was too aspirational and felt that it gave people in Mid Ulster a false sense of hope citing as an example the Health Service which has no money available for services.

Proposed by Councillor Monteith
Seconded by Councillor McAleer and

Resolved: That it be recommended to the Council to approve the Economic Development Service Improvement Plan for 2018-19

Proposed by Councillor Monteith
Seconded by Councillor G Shiels and

Resolved: That it be recommended to the Council that concerns relating to planning decisions being taken for town centre retail space without input from Council's economic development section be brought to the attention of the SMT to raise members concerns.

Councillor Clarke said that he agreed with previous comments about planning and felt that there should be an opportunity to get infrastructure sorted out when planning permission was approved for a dwelling in urban areas such as footpaths across the

front of properties should be included as part of the criteria for approval as some areas do not have any. He referred to Dunamore and advised that although it was classed as a small settlement and not a village, there was a massive population with schools, churches, shops and a nursing home and this was a good example of a concentrated village and this needed to be addressed.

D099/18 Business Programmes – Updated Proposals to EU Growth & Jobs Programmes

The Head of Economic Development drew attention to the previously circulated report to provide Members with an update on key activities as detailed below:

- Gearing for Growth Programme
- Digital First Programme
- Tender Ready Programme
- Transform Programme

In response to the Chair's query, the Head of Economic Development said that for every £1,000 of funding received from the EU Growth & Jobs Measure, one fulltime job or equivalent had to be created.

Councillor Molloy felt that the Council should be an enabler and that an outside body like the Enterprise Centre should be the provider, with the Council providing assistance in the background. He enquired what the penalties were if jobs were not provided.

The Head of Economic Development advised that Councils had been advised initially that we needed to ensure 'best endeavours' to achieve the £1,000 a job target, but this has since been revised to achieving 'reasonable endeavours' however, there is still lack of clarity on what this actually means. She further indicated that this particular source of funding is a local government measure and cannot be transferred to third parties, but third parties could bid for the delivery of such programmes from Council.

Councillor Molloy said that he would be dubious over the initiative.

Proposed by Councillor Clarke
Seconded by Councillor McFlynn and

Resolved: That it be recommended to the Council to approve the submission of 4 applications for Business Support Programmes (Gearing for Growth Programme, Digital First Programme, Tender Ready Programme and Transform Programme) requiring a contribution from Council's Economic Development budget of up to £240,440 over a four year period.

The Director of Business and Communities advised that the Council would recruit in the region of 660 local businesses to these programmes which were totally compliant and aligned to Council's Economic Development Strategy. He said that officers had spent a great deal of time in preparing these applications reassured members that it was a good opportunity to support local businesses.

Councillor Molloy agreed said that he wasn't questioning officers' abilities, rather the programmes.

D100/18 Culture and Arts Service Improvement Plan 2018-19

The Head of Culture & Arts drew attention to the previously circulated report and sought approval for the Culture and Arts Service Improvement Plan for 2018-19.

Proposed by Councillor Molloy
Seconded by Councillor McFlynn and

Resolved: That it be recommended to the Council to approve the Culture and Arts Service Improvement Plan for 2018-19.

D101/18 Angling Summer Schools Programme 2018

The Head of Parks drew attention to the previously circulated report to seek approval to accept funding from Department for Agriculture, Environment and Rural Affairs (DAERA) under their Outreach Programme and private sector contributions from local businesses.

Proposed by Councillor McFlynn
Seconded by Councillor McAleer and

Resolved: That it be recommended to the Council to accept funding from Department for Agriculture, Environment and Rural Affairs (DAERA) under their Outreach Programme and private sector contributions from local businesses.

D102/18 Traffic Management System for Davagh Forest

The Head of Parks drew attention to the previously circulated report to seek approval for the installation of a Traffic Management System at Davagh Forest with the capacity to generate revenue income.

Councillor Clarke said that he wasn't aware of this proposal, as it was the first he had heard of it. He said initially this issue was raised but didn't think anything more about it and it might be more advisable to have discussions with the community before proceeding with this.

The Head of Parks said that this was part of a budget setting process with targets across the range of services and that the figure was challenging.

The Director of Leisure and Outdoor Recreation advised members that a paper was previously presented to include the rate setting process.

Councillor Clarke said that it would be usual to have a more detailed discussion around this matter.

The Head of Parks said that there was a target to be met this financial year with the added provision of a rolling programme of incremental increases over the next two years that would achieve alignment with Blessingbourne mountain bike trials. He said that a target had been set which has to include the delivery and meeting of objectives.

The Director of Leisure and Outdoor Recreation said that Officers could meet the community within Davagh and explain their plans and defer this proposal for a month or so until agreement was reached.

The Head of Parks referred to the wider user groups at Davagh and advised that mountain bikers etc pay for services elsewhere and the biggest knock on effect would be the local communities and said that carparking tariffs would be kept as low as possible and that any revenue gained should be reinvested in the facility.

He said that the mountain biking product needed investment as there was a slight fall in bike users coming to Davagh and that there was a need to implement trails to keep it as an attractive product.

Councillor Molloy referred to Kilbroney Forest Park and advised that there was no charge to use their mountain bike trails and asked if there was any liaison for their track.

The Head of Parks said that there was no direct liaison with Kilbroney and that their country park had other income generated schemes i.e caravan provision, camping etc. He said that officers would be looking at other streams to see what else could be identified as an income generator.

Councillor Molloy said that when he compared the cost of town centre parking with Davagh, and said that it was very expensive as it costs 40p to park in a town centre for an hour and it is anticipated to cost £5 per hour at Davagh. He said that this wasn't very family friendly as the playpark at Davagh could be the only one around within a 10 mile radius and expensive for local families to visit.

The Head of Parks said that some user groups may have issues and that officers would look at the logistics at putting a system together in which would be more manageable. He said that work was ongoing to see how to differentiate between user groups but that the principle would be to try and generate revenue.

Councillor Elattar enquired about the 50:50 split in generated income for Blessingbourne Estate and enquired if this would be the same for Davagh.

The Head of Parks advised that the lease agreement from Forest Service allowed the Council to keep any generated income without splitting it.

Councillor McFlynn agreed that the admission charge of £5 was very expensive for families to visit the playpark, but there was a requirement to pay at other forest parks like Drum Manor and Lissan House also, but still thought that a £5 admission fee was very steep.

Councillor Monteith advised the committee that the local people were already paying for the facilities at Davagh through their rates.

Proposed by Councillor McAleer
Seconded by Councillor McFlynn and

Resolved: That it be recommended to the Council to defer the issue of traffic management at Davagh until officers have an opportunity to have a further consultation with the local community, with a report being brought back to committee on outcome.

D103/1/8 Parks Service Improvement Plan 2018-19

The Head of Parks drew attention to the previously circulated report and sought approval for the Parks Service Improvement Plan for 2018-19.

Proposed by Councillor Monteith
Seconded by Councillor McEldowney

Resolved: That it be recommended to the Council to approve the Parks Service Improvement Plan for 2018-19.

D104/18 Sports Facility Strategy

The Acting Head of Leisure drew attention to the previously circulated report to seek approval for the Mid Ulster District Council (MUDC) Sports Facility Strategy.

Councillor Monteith enquired what the status of this document entailed with clubs applying for funding as there was a need not to hinder any possible opportunities. He said that the strategy was unreflective of the provision of pitches, whether GAA, Rugby, Soccer or 4G pitches and to say there was not a need for grass pitches in the Dungannon area was ludicrous. The ladies GAA team in Dungannon had to travel 25 miles to use a grass pitch and said there was a need to enhance what we have.

The Acting Head of Leisure referred to recommendation no. 3 Playing Pitch Strategy on artificial and grass pitches and infrastructure.

The Director of Leisure and Outdoor Recreation advised that the difficulty arose when the three legacy councils came together, it was realised that there was no evident data research information on what pitches were in our ownership as Officers couldn't locate any relevant information. She said that funding was available from SportsNI at the moment and if clubs were thinking about applying for funding that this would be the route to go down.

Councillor Monteith said that the clubs were advised that funding was for a new pitch and our Mid Ulster Strategy was for the enhancement of existing pitches only.

The Acting Head of Leisure advised that there was new playing pitch funding available.

Councillor Monteith said that the funding application was closing this Friday and clubs wouldn't be ready. He said that he found it amazing that after three years of this

Council, there was still no database of club pitches within the area. He suggested contacting all the local recognised Sporting organisations requesting information on ownership of their pitches in the area.

The Director of Business and Communities advised that individual clubs were asking for letters of support.

Councillor Molloy said that there was a need for a scoping exercise for demand on the pitches to include usage etc.

Proposed by Councillor Monteith
Seconded by Councillor Molloy and

Resolved: That it be recommended to the Council to approve the Mid Ulster District Council Sports Facility Strategy and the recommended framework included within.

Proposed by Councillor Monteith
Seconded by Councillor Molloy and

Resolved: That it be recommended to the Council that an assessment of grass pitches in the area be carried out immediately and that a draft report be brought to the September meeting.

D105/18 Leisure Services – Service Improvement Plan 2018-19

The Acting Head of Leisure drew attention to the previously circulated report to seek approval for the Leisure Services – Service Improvement Plan for 2018-19.

Councillor Monteith referred to the closing of roads and said that it was agreed at last month's committee meeting that people would be contacted with information but that he was unaware of this happening. He said that two months down the line, all we are hearing are horror stories about the Belfast Marathon being under threat and there was a need for clarification and who were taking the lead on this.

The Head of Tourism said that responsibility sits with the Environmental Health Licensing section. He said that discussions have taken place with organisers of the Fleadh and the Clogher Valley Show to try and work out issues. He advised that all relevant information had been put on the website and that Letters of Offer being sent out have informed the local communities of the situation and since the last meeting an advert has been placed on the newsletter going out.

Councillor McFlynn said that four events had been identified through the Environment Committee last Tuesday night and advised that a fee of £415 was sought for a licence and a further fee for street management plan. She said that people would have to be inventive and seek other ways to hold events rather than closing the roads.

The Head of Tourism advised that the advice from the DfI was that enforcement just didn't relate to road closures, but to traffic disturbances and they are saying that only four management companies were eligible to carry this out, but that this was only a recommendation and doesn't have to be one of them if another could be identified.

He stated that this was hard on communities raising funds for charities with no clear guidance from the department.

Councillor Elattar advised that within her area that there was a Cycle Against Suicide and were lucky enough as it included the PSNI who were happy to provide traffic management themselves as they were involved in the cycle.

Councillor Clarke suggested whatever decision was made that it would be inclusive and said that he didn't know why any department was taking this initiative forward when the characters involved were not even in the equation and should be put back.

Councillor Monteith asked if events had a limited number throughout the calendar year, as this would be a hindrance. He suggested that the Council write to the Permanent Secretary of the DfI expressing this Council's concerns.

The Head of Tourism advised that he wasn't aware of the limited number of events proposed.

Proposed by Councillor Monteith
Seconded by Councillor Clarke and

Resolved: That it be recommended to the Council to approve the Leisure Services – Service Improvement Plan for 2018-19.

Proposed by Councillor Monteith
Seconded by Councillor Doris and

Resolved: That it be recommended to the Council that a letter be written to the Permanent Secretary of the DfI expressing this Council's concerns relating to issues around road closures for events.

Matters for Information

D106/18 Minutes of Development Committee Meeting held on Wednesday 11 April 2018

Members noted Minutes of Development Committee held on Wednesday 11 April 2018.

D107/18 External Investment Leverage 2017-18

Members noted previously circulated report on External Investment Leverage 2017-18.

Cllr McAleer left the meeting at 8.40 pm.

D108/18 Regional and Minority Language Implementation Working Group Minutes of Meeting held on Monday 16 April 2018

Members noted Minutes of Regional and Minority Language Implementation Working Group held on Monday 16 April 2018.

D109/18 Events – May–July 2018

Members noted previously circulated report on Events – May-July 2018.

D110/18 Pilgrimage Trail between Ardboe Cross and Battery Harbour

Members noted previously circulated report on Pilgrimage between Ardboe Cross and Battery Harbour.

Local Government (NI) Act 2014 – Confidential Business

Proposed by Councillor Clarke
Seconded by Councillor McFlynn 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 D111/18 to D113/18.

Matters for Decision

D111/18 Path from Newell Road to Railway Park
D112/18 Tender to Supply Willow to Cookstown Leisure Centre

Matters for Information

D113/18 Confidential Minutes of Development Committee held on
Wednesday 11 April 2018

D114/18 Duration of Meeting

The meeting commenced at 7 pm and concluded at 9.05 pm

CHAIR _____

DATE _____

Report on	Conferences, Seminars & Training
Date of Meeting	24 May 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 and Seminar allocations.
3.0	Main Report
3.1	<p>The following seminar/ conference sessions are presented for consideration of representation from Mid Ulster Council.</p> <p>Approval for Consideration of Attendance by Members</p> <p>Northern Ireland Infrastructure Investment Conference 2018 at the Baby Grand, Belfast</p> <ul style="list-style-type: none"> • 8.30am – 1.15pm on Wednesday 13th June 2018 • Delegate fee £195 + VAT @ 20% = £234 plus travel and subsistence <p>2018 NILGA Annual Conference, Exhibition and Gala Awards Dinner Theme Building Sustainable Communities, Delivering a Better Northern Ireland for Everyone”</p> <ul style="list-style-type: none"> • Thursday 11th October 2018 in the Armagh City Hotel - “ • Book 2 places at the NILGA conference & gala awards dinner by 29th June 2018 & get 2 places free. All additional places at member council conference rate of only £75 (+vat), <i>conference & local government awards £125 (+vat) plus travel and subsistence.</i>
3.2	<u>Officer Approvals</u>

	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:
	Human:
	Risk Management:
4.2	Screening & Impact Assessments
	Equality & Good Relations Implications:
	Rural Needs Implications:
5.0	Recommendation(s)
5.1	Approval for attendance at the conferences/ seminars by members and council officers as required.
6.0	Documents Attached & References
	Appendix A Member Conferences Appendix B Officer Approvals

Infrastructure investment

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ARTHUR COX

Where to next?

Infrastructure investment in Northern Ireland has been reduced from the levels seen in the 2000s. Progress needs to be made right across the spectrum to ensure future infrastructure is fit for purpose. The economic benefits of infrastructure investment are huge and there is an urgent need to develop new projects whilst adapting to a changing political environment. Brexit continues to loom over current European funding and it is uncertain where the investment will come from in the future.

2018 Year of Infrastructure

2018 is the Northern Ireland Year of Infrastructure which aims to bring together those involved in delivering infrastructure investment in Northern Ireland to discuss the way forward. Despite a drop in investment in the wake of the 2008 economic downturn, infrastructure output in Northern Ireland is currently at one of the highest levels in the past five years and has seen an increase in recent months, with output in Q3 2017 rising by 6.1% compared to the previous quarter. The Budget 2017 allocated £540 million extra for Northern Ireland infrastructure over the next four years. This is a positive move forward for infrastructure in Northern Ireland but there is much work still to be done.

The Northern Ireland Infrastructure Investment Conference will bring together key stakeholders to look at the sectoral challenges and examine the overall future direction for infrastructure. This important conference facilitates the opportunity for industry networking and interactive Q&A sessions with expert speakers.

Key issues to be discussed

- ✓ **Priorities** for future infrastructure investment
- ✓ Sectoral updates: **Health, transport, water**
- ✓ The challenge of funding **utility infrastructure** investment
- ✓ **Effective procurement** to improve project delivery
- ✓ Investment in **education** infrastructure
- ✓ **Health care** infrastructure, services and technology
- ✓ Focus on the **North West**
- ✓ **Future outlook** and delivering the next generation of infrastructure
- ✓ Working with the **construction industry**



Why attend?

- ✓ Receive an in-depth overview of key Northern Ireland infrastructure projects
- ✓ Explore future priorities for investment
- ✓ Understand what's happening across different sectors
- ✓ Network with key stakeholders
- ✓ Hear visiting and local expert speakers
- ✓ Examine the economic and social impact of infrastructure

CONFERENCE PROGRAMME

0830 Registration and morning coffee

0900 Chairman's welcome and introduction

Overview

Priorities for future investment

Peter May, Permanent Secretary
Department for Infrastructure

Delivering better healthcare through better infrastructure

Health

Professor James Barlow, Centre for Health
Economics and Policy Innovation
Imperial College London

Water

NI Water: Vital infrastructure
Sara Venning, CEO, NI Water

Legal

**Successfully procuring and financing
infrastructure projects in Northern Ireland**
William Curry, Partner, **Arthur Cox**

Questions & answers / Panel discussion

1045 Morning coffee / networking break

1115

Data

Data: Better planning for infrastructure investment
Martin Spollen, Chief Investment Officer
Strategic Investment Board Limited

North West

**Investing in the North West for sustainable
economic growth**
Paul Gosling, Financial journalist

Transport

Public transport investment in Northern Ireland
Chris Conway, Group Chief Executive, **Translink**

Procurement

**Effective procurement: Working with the
construction industry**
Brendan Smyth, Health Projects Division Director
and **Stewart Heaney**, Construction Division Director
Central Procurement Directorate

Education

**Transforming education through new campus
development**
Brian Doran, Chief Executive
Southern Regional College

Questions & answers / Panel discussion

1315

Chairman's summary and conference close followed by
networking lunch



I wish to:

- ☐ Reserve ____ places at the Infrastructure Investment conference
Delegate fee £195 + VAT @ 20% = £234
- ☐ Receive details of upcoming conferences
- ☐ Receive the digital edition of agendaNi magazine

Delegate details

Name (Mr/Mrs/Miss/Ms/Dr): _____

Job title: _____

Organisation: _____

Address: _____

Postcode: _____

Telephone: _____

Email: _____

Payment options

- ☐ I enclose a cheque for £_____
- Payable to 'bmf Business Services'
- ☐ Please invoice me
- ☐ Please debit my Visa / Mastercard / AMEX

Card number

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Name of card holder _____

Signature _____

Expiry date _____

Security code _____

(Please provide card billing address if different from company address)

Terms and conditions

* Invoices must be paid prior to the event taking place. For delegates unable to attend, a substitute participant may be sent at any time for no additional charge. Alternatively for cancellations received in writing, by fax or email, the following charges will apply:

- More than 14 days before the conference: 25% fee
- Less than 14 days before the conference: 100% fee
- Failure to attend: 100% fee

You can unsubscribe from receiving information at any time, please let us know by emailing info@agendani.com or phoning 028 9261 9933

Who should attend?

This conference will be of interest to anyone with a stake in the future development of Northern Ireland's infrastructure, across the public and private sectors, including:

- Chief Executives / senior management teams
- Government departments and agencies
- Policy-makers and decision-takers
- Project developers / planners
- Construction companies
- The local government sector
- Elected representatives
- Procurement professionals
- Health / education / transport / energy / waste / housing sectors
- Financial and legal advisors
- Consultants (environmental / technical / project management)
- Economists
- Voluntary and community sector / NGOs

Benefits of attending

Delegates attending the Infrastructure Investment conference will:

- ✓ Receive an update on the state of Northern Ireland's infrastructure;
- ✓ Hear the future plans for investing in local infrastructure;
- ✓ Examine potential financing options for infrastructure investment;
- ✓ Discuss the social and economic impact of infrastructure investment.

Acknowledgement of registration

Confirmation of registration will be sent to all delegates, following registration details. If you have not received your acknowledgement seven days prior to the date of the conference, please contact Michelle Davidson at agendaNi to confirm your booking or email: registration@agendani.com

Register now



By telephone
028 9261 9933



By email
registration@agendani.com



Online
www.agendani.com/events



By post
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Building Sustainable Communities.

Delivering a Better Northern Ireland for Everyone

**NILGA Annual Conference and Gala Awards Dinner
11th October 2018
Armagh City Hotel**

NILGA ANNUAL CONFERENCE 2018

Building Sustainable Communities.

Delivering a Better Northern Ireland for Everyone

Hosted by Broadcaster - Mark Carruthers

OPENING SESSION	
8.30 - 9.30	Registration
9.30 - 9.35	Welcome <i>Lord Mayor, Armagh City, Banbridge and Craigavon Borough Council</i>
9.35 - 9.55	Political Keynote Addresses: National / Regional Government <i>Representatives from UK and Irish Government and Members of Legislative Assembly</i>
9.55 – 10.10	NILGA & SOLACE Response/Address to conference <i>NILGA President</i>
10.10 - 10.20	From the Audience Q&A Session
SUSTAINABLE COMMUNITIES – OUR HEALTHY PEOPLE (KAREN)	
10.20 – 10.35	Community resilience, mental health & wellbeing <i>Lisa McIlherron, Inspire</i>
10.35 – 10.50	Addressing challenges and inequalities in health and social care – council civic leadership and service provision <i>Liz Redmond, Dir. of Population Health, DoH (invited)</i>
10.50 – 11.05	Panel Discussion/Q&A session
11.05 – 11.35	Refreshment Break / Networking / Engagement with sponsors / exhibitors
SUSTAINABLE COMMUNITIES - OUR ECONOMY & TOWN CENTRE REGENERATION (LISA/ KS)	
11.35 – 11.55	Carnegie – Wales Time for Towns work <i>Jen Wallace and Lauren Pennycook</i>
11.55 – 12.15	Association of Town Centre Management
12.15 - 12.30	Panel Discussion/ Q&A Session
12.30 – 14.00	Lunch / Networking / Engagement with Sponsors / Exhibitors
PILLAR 3 - SUSTAINABLE COMMUNITIES - OUR ENVIRONMENT (KAREN)	
14.00 – 14.20	Mike Barry, Director Plan A, Marks and Spencer
14.20 – 14.40	Leithers don't litter? <i>Rob Hopkins, Totnes Transition Town? (invited)</i>
14.40 - 15.00	Panel Q&A Session
15.00 – 15.30	Refreshment Break / Networking / Engagement with Sponsors / Exhibitors
DEVOLUTION & SOLACE SESSIONS (DEREK)	
15.30 - 16.40	(1) A BETTER N IRELAND: RESPONSIBLE, RESOURCED LOCAL GOVERNMENT <i>Dr Peter Kenway, Co-founder, New Policy Institute</i> <i>Derek McCallan, Chief Executive, NILGA</i> Interactive Session on Democracy, Devolution & Improving Public Service Delivery (2) SOLACE SENIOR OFFICERS' SESSION
16.40 – 17.00	Closing Keynote <i>Neil McInroy, Progressive Economics – People and Place Matter</i>
17.00	NILGA Conference Delegates Prize Draws
	Conference Close & Local Government Gala Awards Prelude

Northern Ireland Local Government Association
Bradford Court, Upper Galwally, Castlereagh, BT8 6RB

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NILGA ANNUAL CONFERENCE, EXHIBITION & GALA AWARDS DINNER
11th OCTOBER 2018. ARMAGH CITY HOTEL.
BOOKING FORM – MID ULSTER DISTRICT COUNCIL

EARLY BIRD DISCOUNT OFFER

BOOK 2 PLACES AT THE NILGA CONFERENCE & GALA AWARDS DINNER BY
29TH JUNE 2018 & GET 2 PLACES FREE...
(NAMES CAN BE PROVIDED AT A LATER DATE).

Please return booking forms by Friday 29TH June 2018 to: Amy McGrath, NILGA, Bradford Court, Upper Galwally, Castlereagh, BT8 6RB or via email to a.mcgrath@nilga.org

COUNCIL MEMBERS EXCLUSIVE RATE

All Day Delegate Only (Per Person): £75 + VAT

(CODE - DO)

All Day Delegate including Gala Awards Dinner (Per Person): £125 + VAT

(CODE – D&A)

Contact name of person responsible for bookings and payment: _____

Council: _____ Address: _____

Email: _____ Tel: _____

I would like to register for ____ places at the NILGA Conference, Exhibition & Awards as detailed.

NAME	PHONE	EMAIL	DIETARY/ACCESS REQUIREMENTS	
				£125 + VAT
				£125 + VAT
				FREE
				FREE

ADDITIONAL PLACES					
NAME	PHONE	EMAIL	DIETARY/ACCESS REQUIREMENTS	TICKET CODE	AMOUNT

Please invoice me at the address provided for (the total amount) £_____ quoting order no. _____
OR I enclose a cheque for £_____ made payable to NILGA.

Please note that all council invoices will be issued one week after the event.
By signing the form I accept the terms and conditions as detailed below.

Authorised Signature _____ **Please Print Name** _____

Accommodation: Please contact reservations at Armagh City Hotel on 028 3751 8888 (option 1) to arrange accommodation at preferential rates quoting NILGA Conference. (£89.00 single B&B, £109.00 Double / Twin B&B & £163.50 Triple B&B). Accommodation is offered on a first come, first served basis.

Terms and Conditions: Cancellations made after the 11th September 2018 will be liable for the full delegate fee. **Substitutions:** Substitutes will only be accepted if NILGA is informed in writing two weeks prior to the conference; otherwise the full price will be charged to delegates not on the official list.

Conference & Seminar	Date	No. of Attendees	Location	Attendance Fee (Yes/ No)
UK & Ireland Lakes Conference 2018	22/5/18	1	SHHP	Yes
Jaipur Literature Festival	10/6/18	1	British Library London	yes

Report on	Consideration of Requests for Civic Recognition – May 2018
Date of Meeting	Thursday 24 th May 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

May 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
Moneymore Boys Brigade	Boys Brigade British & Irish 5 Aside Football Championship	Cllr Wilson Cllr McFlynn	<ul style="list-style-type: none"> Represented Country at National Level 	For: N/A Date: N/A
Derrylatinee Primary School	Families First NI Awards <ul style="list-style-type: none"> Best Family Orientated Primary School Best Primary School 	Cllr Gildernew	<ul style="list-style-type: none"> Won first place at a competition in their relevant field at the highest level of competition 	For: N/A Date: N/A
Rainey Old Boys Rugby FC	Under 18 team Ulster Champions	Cllr McFlynn	<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: Date:
Holly Purvis	RSPBANI Championship Ulster Solo's Under 14 Tenor Drummer	Cllr Wilson	<ul style="list-style-type: none"> Won first place at a competition in their relevant field at the 	For: N/A Date: N/A

			highest level of competition	
John McElmurry	RSPBANI Championship Ulster Solo's Intermediate Piping Grades Piobaireachd (A)	Cllr Wilson	<ul style="list-style-type: none"> • Won first place at a competition in their relevant field at the highest level of competition 	For: N/A Date: N/A
Mark Warnock	RSPBANI Championship Ulster Solo's Juvenile Piping Under 16s	Cllr Wilson	<ul style="list-style-type: none"> • Won first place at a competition in their relevant field at the highest level of competition 	For: N/A Date: N/A
Harry Gates	RSPBANI Championship Ulster Solo's – Advanded Drum Pad	Cllr Wilson	<ul style="list-style-type: none"> • Won first place at a competition in their relevant field at the highest level of competition 	For: N/A Date: N/A
St Mary's Primary School – Draperstown	Ulster Cuman na mBunscoil Indoor Camogie Championships 2018 Award	Cllr Elattar Cllr Kearney	<ul style="list-style-type: none"> • Won first place at a competition in their relevant field at the highest level of competition 	For: N/A Date: N/A
Roan St Patrick's Primary School	Ulster Cuman na mBunscoil Indoor Football Championships 2018 Award	Cllr Gildernew	<ul style="list-style-type: none"> • Won first place at a competition in their relevant field at the highest level of competition 	For: N/A Date: N/A
St Pius X College	Corn Comcille Championship	Cllr McFlynn	<ul style="list-style-type: none"> • Won first place at a competition in their relevant field at the highest level of competition 	For: N/A Date: N/A

Frank Duffin Loughshore ABC	Irish Athletic Boxing Association Ulster Boy 1 70kg Championship	Cllr McGinley	<ul style="list-style-type: none"> Won first place at a competition in their relevant field at the highest level of competition 	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
Quinn Brothers	Taking part in Lough Neagh Rescue in April	Cllr M Quinn
Tullylagan Drum Corp	RSPBANI World Champions 2017	Cllr Wilson

Report on	Draft Consultation Response to the Proposed Framework for Future Provision for Children in the Early Years with Special Educational Needs
Date of Meeting	24 May 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 inform elected members of the draft consultation response developed on behalf of Mid Ulster District Council in response to the Education Authority Consultation; Proposed Framework for Future Provision for Children in the Early Years with Special Educational Needs (SEN).
2.0	Background
2.1	Members requested that a consultation response be developed on behalf of Council at April 2018 Council meeting.
3.0	Main Report
3.1	The public consultation seeks comment on the proposal by the Education Authority to develop a Proposed Framework for Future Provision for Children in the Early Years with Special Educational Needs (SEN).
3.2	This consultation forms part of the Strategic Review of Nursery Provision for children with SEN.
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	That Council approve the draft response to Early Years Special Educational Needs consultation being undertaken by the Education Authority.
6.0	Documents Attached & References Appendix A:Draft Response to the Consultation on the Proposed Framework for Future Provision for Children in the Early Years with Special Educational Needs (SEN).

Appendix A: Draft Response to Early Years Special Educational Needs Consultation

XX May 2018

Early Years SEN Framework
Maydown House
1 Maydown Road
Derry/Londonderry
BT47 6UF

Ref: Consultation on Early Years Special Educational Needs – Response

Dear Sir/ Madam

Mid Ulster District Council would like to take this opportunity to put forward its views in relation to the consultation on Early Years Special Educational Needs. Whilst Council agrees with the aim of developing an integrated framework that offers children the best start in life through early intervention, flexibility and parental involvement and support there are some aspects of the proposals that Council would encourage the Education Authority to implement any review with a focus on delivering equitable access to services and curriculum choices across Northern Ireland. With this in mind each of the six specific themes relating to the proposed framework have been examined in turn:

1. Communication

In line with good practice Council would encourage the Education Authority to ensure that the final strategic review outcomes are a product of co-design and co-production with parents, the children themselves and the professionals who support them both. This process will benefit all stakeholders in terms of the development of a final framework.

2. Partnerships

Council strongly supports the proposal of partnership working and would suggest that within the Mid Ulster District Council area that the Council led Community Plan could be utilised as a mechanism to benefit SEN Schools based within the District. As referenced within the Communication section of this response, the use of a co-design and co-production system would ensure that the any proposals have the ability to implemented, including considerations of interventions prior to nursery and external to the school settings.

3. Support for Younger Children (0-3)

In relation to 'Support for Younger Children (0-3)' Council would encourage that support is provided on a practical basis with consideration given to the family as a whole. The support should aim to provide a smooth transition from the home setting into a nursery school setting therefore placing a strong foundation for primary one and beyond. It would also be recommended that any measures taken to tackle isolation and accessibility issues for parents of children who are diagnosed with SEN at an early age should be carried out in a meaningful practical way and made as accessible as possible.

4. Additional Support for Mainstream Pre-school Settings

Council agrees with the suggestions for provision of Additional Support for Mainstream Pre-school Settings. Encouraging meaningful links between the parents of children with SEN and the provision of needs led support for parents would be a very worthwhile use of resources. Also, supporting children when they move from mainstream pre-school to Primary 1 is also a significant area of importance. This process can prove a daunting experience for both parents and children. Again consistency of provision should provide equitable access to Additional Support for Mainstream Pre-school Settings.

5. Extended Mainstream Provision (for children in their pre-school year)

Council welcomes the suggestion of the provision of a consistent 'programme of offer' in relation to the development of this area of support. However it is noted that the 'minimum of 15 hours' represents a reduction in current provision. It is suggested that in some instances this is a reduction from a current provision of 22.5 hours per week. The implications of this for parents and children in relation would have a negative impact which should be mitigated against should it become part of the final framework. Council would also suggest that the piloting of Early Years SEN Centres should be carried out in various locations throughout Northern Ireland, including within Mid Ulster District Council area.

6. Special School Provision

Council believes it is imperative that every young person with SEN or a disability should be offered effective transition guidance and support to ensure they are adequately prepared to progress to the next stage in their education. Council are aware that the number of children presenting with SEN is increasing, however each child needs to be provided the opportunity to achieve the best outcome for them regardless of their levels of ability. Children and parents should be able to expect a consistent model of delivery regardless of other factors. This familiarity with service provision could remove some of the pressure and anxiety experienced by parents of children with SEN in their preschool year.

Council, overall, supports the aim of establishing consistent access arrangements for children with SEN in their preschool year. It is imperative that any proposed programme of offer is made available across education settings and that equitable delivery will meet the needs of children, including the most complex cases, in their pre-school year.

Finally, Council recognises that while the Education Authority has to operate within restricted financial resources, a commitment to continuous improvement to its service delivery has been made. Therefore, it is hoped that any proposed reduction in services takes this commitment into account. Quality education is paramount for all children if they are to achieve their best outcomes within school settings and beyond.

Yours faithfully

Report on	Mid Ulster Community Plan
Date of Meeting	24 May 2018
Reporting Officer	Adrian McCreesh

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 present to members the proposed Mid Ulster Community Plan – Short Term Delivery Plan. Ratification and adoption of the Plan is being sought from Council.
2.0	Background
2.1	Mid Ulster Community Plan was launched in May 2017.
2.2	The Community Plan provides a community based and multi-agency approach to dealing with local issues, with a focus on prevention and early intervention. There are more than 20 Partners working together on the delivery of the 10 Year Community Plan.
2.3	Mid Ulster's Community Plan identified 15 outcomes to be achieved in Mid Ulster over the life of the 10 year Plan. A total of 76 actions were identified for delivery throughout the course of the 10 year plan.
2.4	The Plan has been broken down into three parts including short term (1-3 years), medium (4-6 years) and long term (7-10 years).
3.0	Main Report
3.1	The Mid Ulster Community Planning Short Term Delivery Plan will cover the period 2017-2020. The document has been developed through a community planning partnership approach with all partners.
3.2	The Plan has been presented to the Strategic Community Planning Board for consideration and approval.
3.3	A copy is being presented to all partner agencies for final ratification. Please see attached for consideration.
4.0	Other Considerations
4.1	Financial, Human Resources & Risk Implications

	Financial: None
	Human: None
	Risk Management: A risk register has been completed on the Community Plan. All risks will be regularly reviewed and actioned with appropriate mitigations.
4.2	Screening & Impact Assessments
	<p>Equality & Good Relations Implications:</p> <p>An extensive Equality Screening exercise was carried out on the Short Term Delivery Plan. It was found that the plan will have no negative impact on Section 75 Groups. A copy can be provided upon request.</p>
	<p>Rural Needs Implications:</p> <p>Rural Needs Impact Assessment was completed. With two thirds of the Mid Ulster District Council population living in rural areas (approx. 91,500 people) the implementation of the plan will have a positive impact on the people by supporting initiatives and recognising themes and activities that will contribute to a balanced growth and development across the council area, promoting community cohesion and safety, tackling disadvantage and poverty; supporting regeneration (including rural regeneration) and aiding sustainability and well-being. The plan focuses on people, communities and organisations coming together (from both a rural and urban setting) to improve local well-being and quality of life, and making sure that all plans, strategies, priorities and programmes integrate at all levels. A copy can be provided upon request.</p>
5.0	Recommendation(s)
5.1	It is recommended to Council to ratify the Mid Ulster Community Plan - Short Term Delivery Plan.
6.0	Documents Attached & References
6.1	Mid Ulster Community Plan - Short Term Delivery Plan.



Community
Planning
Mid Ulster

Mid Ulster Community Plan Delivery Plan for Short Term Actions – 5 Themes 2017 – 2020

Economic Growth

Summary Issues:

We want to prioritise job creation, investment and the enhancement of people's skills and employability, and at the same time improve broadband/mobile phone coverage. Support for Micro and Small to Medium Sized Enterprises (SMEs) must continue across all sectors. Engineering, agriculture (including 'farm families' and 'agri-food') and construction have to be driven forward and planned major capital projects must be implemented. It is also important to address the District's significant public sector jobs deficit and to drive forward growth in the 'emerging' and 'high end' office sectors.

We must capitalise more on our tourist assets of activity, heritage and Seamus Heaney, via a tailored Mid Ulster Tourism Strategy which has a core objective of getting more people to visit and stay overnight in the District.

Previous and current work on multi-focused town centre regeneration and village renewal schemes (i.e. integrating proposals for business, jobs, services, public realm and traffic management) should be continued and include concerted efforts to address dereliction. Deficits in rural communities need to be addressed and the District's cross border opportunities developed. The Council's new Planning powers will be a key means of taking this theme forward.

We need to take into consideration all our contributors to economic growth and barriers faced by many in our society to take part. These include, women returning to work, people with children and other caring duties, people with disabilities and those most removed from the labour market or economic opportunity.

Key Outcomes:

- We prosper in a stronger and more competitive economy
- We have more people working in a diverse economy
- Our towns and villages are vibrant and competitive

1. Enhanced business start-up programme		
Action(s)	Timeline	Lead Partner/Partners
<p>Deliver a programme to support local businesses post start-up to achieve their ambitions and goals introducing a broad mentoring of business skills such as:</p> <ol style="list-style-type: none"> 1. Baseline review 2. Business Plans 3. Sales & Marketing 4. Social Media 5. Customer Care 6. Funding/Grants 7. Financial Management 8. Staff Management 9. Entrepreneurship 10. Networking Workshops & Events 11. Innovation <p>Mid Ulster Skills Forum to input into the development of an enhanced programme.</p>	Commencement - April 2018	<p>Lead Partner: MUDC</p> <p>Partners: Invest NI Enterprise Agencies CAFRE DEARA Colleges</p>
MUDC Environmental Health Division to make available a Business information Pack for individuals planning to start up a food & drink business.		
<p>To Map representation of following groups to Pre Start, Business Start and Post Start Programmes:</p> <ol style="list-style-type: none"> 1. Women 2. Youth – SEUSE/Pathways to Employment Programmes delivered across the district 3. Unemployed – Exploring Enterprise Programme delivered across the district 4. Rural – Enterprise/Start a Business Road Shows in identified rural areas 5. Social Enterprises 6. People with physical and mental health challenges. <p>To encourage and promote underrepresented groups into programmes listed above.</p>		

2. Prepare a Mid Ulster Investment Proposition to maximise inward investment

Action(s)	Timeline	Lead Partner/Partners
Develop Economic Development Online Services to include an investment profile/proposition for Mid Ulster area.	Commencement - February 2018	Lead Partner: MUDC Partners: MUDC Invest NI Colleges Tourism MUDC Planning

3. Maximise Tourism investment & employment concentrating on Mid Ulster strategic tourism themes of Seamus Heaney, Activity & Heritage

Action(s)	Timeline	Lead Partner/Partners
Develop a standardised performance management reporting framework.	Oct 2017	Lead Partner: MUDC Partners: F&OC Community Sector Environment Agency Colleges & Universities Private Sector Tourism NI CAFRE
MUDC lead the Heritage Lottery Fund (HLF) £3 million "Heart of Ancient Ulster"	Aug 2017 – Nov 2018	
Set up Tourism Development Group & Working cluster Groups with regards to Seamus Heaney, Heritage & Outdoor Hub plans.	March 2018	
Mid Ulster to adopt a "digital first" approach to Tourism delivery, marketing & promotion.	October 2017	
Identify Skills Shortage within the Hospitality Sector and develop plan to address.	March 2018	
Develop a Food Tourism event showcasing Mid Ulster	June 2018	

4. Develop and deliver coordinated Village Planning and renewal initiatives

Action(s)	Timeline	Lead Partner/Partners
<p>To work in partnership with RDP to deliver Village Regeneration projects in up to 37 villages across Mid Ulster District Council over 4 years through the Rural Development Programme:</p> <ul style="list-style-type: none"> Phase 1: 2 Strategic areas & 1 thematic area (Play Parks) for smaller villages to be completed Phase 2: Villages for delivery identified Completion of Programme 	<p>Spring 2018</p> <p>End Oct 2018</p> <p>Dec 2020</p>	<p>Lead Partner: MUDC</p> <p>Partners: DEARA</p>
<p>To deliver a Village Spruce Up scheme for eligible business and commercial properties located within the village development limits</p> <ul style="list-style-type: none"> 45 Villages identified Chartered Architect to be appointed 	<p>2017 – 2018 (phase 1)</p> <p>2018 – 2019 (phase 2)</p>	<p>Lead Partner: MUDC</p> <p>Partners:</p>

5. Create a competitive advantage for our principal towns, complimenting a ‘Town Centre First’ principle; prioritising the re-use of derelict sites and/or building

Action(s)	Timeline	Lead Partner/Partners
1. Complete Public Realm Schemes within our 5 principal towns	October 2017 – March 2020	Lead Partner: MUDC
2. Undertake a Branding Exercise in 3 Main Towns	October 2017 – March 2018	Partners: DFC Town Forums & Partnerships Trader Associations
3. Pilot scheme to address dereliction	April 2018 – Dec 2020	

6. Ensure our Local Development Plan provides for urban and rural business growth and industrial and employment sites at key strategic growth locations		
Action(s)	Timeline	Lead Partner/Partners
This will include short term actions commencing with Company Survey to identify business needs / expansion plans at Granville Industrial Estate	Feb 2018 – Dec 2020	Lead Partner: MUDC Partners: Invest NI
Invest NI will commission a Mid Ulster land economic appraisal	2018-2019	Lead Partner: Invest NI Partners:
Publish a draft Local Development Plan Strategy (and associated supporting documents) which will seek to bring forward an interim supply of economic development land at Granville/Dungannon and provide tailored planning policy for economic development across the district.	2018-2019	Lead Partner: MUDC Partners: Invest NI

Key Measures

Outcome	Measure	Source		Baseline Year 1	Data	Baseline Year 2	Data	Baseline Year 3	Data	% Difference
	No (%) of business births by LGD	NISRA		2015	496	-	-	-	-	-
	Survival of newly born enterprises – 1 year survival	ONS		2015	435	-	-	-	-	-
	Survival of newly born enterprises – 1 year survival rate	ONS		2015	87.9%	-	-	-	-	-
	Value of Business turnover by LGD	NISRA		2014	£6,479 m	-	-	-	-	-
	Total Entrepreneurship Activity Rate by LGD	GEM / Invest NI		2014-2016	9%	-	-	-	-	-
	Inward Investment (Invest NI businesses only) by LGD – Excludes retail sector and non INI customers	Invest NI		2015-16	£2.81m	-	-	-	-	-
	Value of external sales i.e outside NI (Invest NI businesses only) by LGD	Invest NI		2015	£2,154m	-	-	-	-	-
	Value of export sales i.e outside UK (Invest NI businesses only) by LGD	Invest NI		2015	£801m	-	-	-	-	-

	Total spend by external visitors by LGD	NISRA		2015	£22m	-	-	-	-	-
We have more people working in a diverse economy	Private Sector Median Earnings by LGD (work place based)	NISRA		2015	£19,939	-	-	-	-	-
	Employee Jobs by Sector	NISRA	Construction	2015	4,425	9%	-	-	-	-
			Manufacturing		13,880	28%				
			Services		30,969	62%				
			Other		882	2%				
	Total Employment by LGD	NISRA		2015	69%	-	-	-	-	-
Our towns and villages are vibrant and competitive	Gross Value Added (aGVA) – Productivity work-place based LGD (towns and villages not included)	NISRA		2014	£38,469	-	-	-	-	-

NOTE: Some data provided may not have been tested against the Code of Conduct for Statistics.

Infrastructure

Summary Issues:

Mid Ulster has a number of strategic infrastructure issues which need to be addressed in a joined up manner. These include:

- The strategic roads and transport networks (existing and potential), particularly to facilitate the 'Mid Ulster Urban Cluster Hub' of Cookstown, Dungannon and Magherafelt;
- Telecommunications and broadband with equitable provision across the District;
- Waste and recycling;
- Energy, including renewables and new options such as gas;
- Public utilities that meet the future growth needs of the area.

Improving the quality of our environment is important. This includes the protection and development of the diverse elements within it and this will be considered as part of our cross cutting principles. Existing natural and built heritage assets such as Lough Neagh, Ulster Canal, The Sperrins and many other sites/structures need to be sustainably developed as part of the District's green and blue infrastructure.

Increased provision and access to social and affordable housing is required and Mid Ulster's significant public sector estate needs to be reappraised to ensure its value and usage are maximised for the benefit of local communities.

Key Outcomes:

- We are better connected through appropriate infrastructure
- We increasingly value our environment and enhance it for our children
- We enjoy increased access to affordable quality housing

1. Advance the development of the Strategic Road Network (the A29 – A31,A4, A6 and A5), including bypasses for the main towns and villages on the strategic routes		
Action(s)	Timeline	Lead Partner/Partners
A6 – Substantially complete Randalstown to Castledawson section	December 2020	Lead Partner: Department for Infrastructure Partners: MUDC
A5 – WTC – Make Direction Order for the scheme - Make Vesting Order for Phase 1a of the scheme - Make decision to proceed to construction for Phase 1a - Make Vesting Order for future phases of the scheme	December 2017 December 2017 December 2017 December 2018 – 2028	
A29 Dungannon Bypass - Undertake a By-pass Road Line feasibility study	December 2018	Lead Partner: MUDC Partners: Department for Infrastructure
A29 Cookstown Bypass - Progress scheme through statutory processes	December 2020	Lead Partner: Department for Infrastructure Partners: MUDC

2. Progress Park & Ride at strategic sites

Action(s)	Timeline	Lead Partner/Partners
Planning application for Dungannon (Stangmore) Park and Ride to be submitted. Successful purchase of land.	March 2019	Lead Partner: TRANSPORT NI Partners: MUDC PSNI
Undertake a feasibility study for Maghera (Craigadick) Park and Ride.	December 2020	
Provide Park and Ride at Toome	September 2018	
Investigate other potential Park & Ride and Park & Share schemes and strategic bus stops	Ongoing	
Link all new and existing Park & Ride/Share schemes to Vibrant and Safe Communities 'Design out Crime' Action	December 2018	

3. Reduce our dependency on landfill through increased recycling and recovery

Action(s)	Timeline	Lead Partner/Partners
MUDC Magheraglass Landfill closed on 20 May 2017; residual waste that was being landfilled to now be reprocessed instead. Capping programmed for Summer 2018.	Completed May 2017	Lead Partner: MUDC Partners: MUDC NIEA
Tullyvar Landfill Site (MUDC with F&ODC) to cease accepting residual waste: F&ODC to withdraw from Tullyvar on 1 April 2018.	September 2018	
Carry out an extensive campaign to increase the recycling of food waste to reduce amount of waste going to landfill and an increase in composting/recycling.	Completed	
Construction of Waste Transfer Station at Drumcoo, Dungannon as a direct replacement for Tullyvar Landfill Site. (Contractor appointed December 2017)	August 2018	
MUDC to retender Residual Waste Treatment Contract to include all Residual Waste collected within the District including that currently disposed of at Tullyvar; this will facilitate increase in recycling of currently landfilled waste and landfill diversion.	31 March 2018	

4. Facilitate the delivery of strategic infrastructure schemes such as broadband and mobile phone coverage; 'Gas to the West'; Interconnector; sewerage and water and the Desertcreat Safety College		
Action(s)	Timeline	Lead Partner/Partners
MUDC to implement protocol to give priority to major infrastructure projects when assessing planning applications	December 2017	Lead Partner: MUDC Partners:
Commencement of NIFRS Training College at Desertcreat (Access works have commenced)	January 2018	Lead Partner: NIFRS Partners:
Improvements to Waste Water Treatment Facility for Dungannon	April 2018	Lead Partner: NI WATER Partners:
Evaluation of success of Improvements to Waste Water Treatment Facility for Dungannon	December 2018	
Cookstown Waste Water Treatment Facility to be reviewed	March 2018	

5. Develop and implement an Estates Management Plan for the entire public sector estate across Mid Ulster		
Action(s)	Timeline	Lead Partner/Partners
MUDC to complete an Estates Plan. SIB are currently working with the Council to develop an Estate Strategy for MUDC (Members workshop planned for 30 January 2018)	December 2018	Lead Partner: MUDC Partners: All Partners
Set up Estate Management Sub-Group to identify/record existing lands and buildings		
Develop Public Sector Estates Management Plan		
Identify potential for co-location sites		

6. Progress the reinstatement of the Ulster Canal and its greenway links		
Action(s)	Timeline	Lead Partner/Partners
Stage 2 Feasibility Study of proposed Ulster Canal Greenway Complete – Potential Partnership with Inland Waterways, ABC Council and MUDC	December 2019	Lead Partner: MUDC Partners: Department for Infrastructure
Phased approach to implementation of the Greenway links to Ulster Canal Proposal to recognise links to National Greenway Network and MUDC Clogher Valley Greenway	March 2020	

7. Provide an adequate supply of social and affordable ‘homes-for-life’ and Supported Living through Area Plan policy and direct public provision		
Action(s)	Timeline	Lead Partner/Partners
Deliver 232 units of social housing	December 2020	Lead Partner: NIHE Partners: Housing Associations MUDC
Bring forward housing land through the LDP and progress policy to encourage a mix of housing types and tenures	March 2020	

8. Promote and provide for mixed community housing developments		
Action(s)	Timeline	Lead Partner/Partners
Bring forward new shared future proposals/schemes to assist in meeting the overall housing need.	March 2020	Lead Partner: NIHE Partners: MUDC Good Relations Department for Communities Housing Associations
Undertake reimagining projects, Community Cohesion, Good Relations projects in existing single identity estates.	Ongoing	

Key Measures

Action	Measure		Source	Baseline Year 1	Data	Baseline Year 2	Data	Baseline Year 3	Data	% Difference
We are better connected through appropriate infrastructure	Average journey time on key economic corridors (NI Level)		Data Not Available - DFI & PSNI to calculate journey times.							
	% of journeys which are made by walking/cycling/public transport		Travel Survey for NI In-depth report	2014-2016	18%	-	-	-	-	N/A
We increasingly value our environment and enhance it for our children	% of household waste that is recycled or composted		NIEA	2013/14	45.13%	2014/15	45.47%	2015/16	47.70%	5.69%
	Air Quality		DEAEA	Sept 14	5	Sept 15	5	Sept 16	5	0%
	Water Quality	Drinking Water (compliance)	NI Water	2014	99.7%	2015	99.8%	2016	99.8%	0.1%
		Waterways	Data not available – To be developed for Community Planning							
	Protected sites – Natural Heritage and Historic Heritage Assets ¹		MUDC (Environmental Assets Report 2015)	2015	NH: 203 HE: 2808	-	-	-	-	-
	Visitors to sites		Data Not Available – To be developed for Community Planning							
We enjoy increased access to affordable quality housing	Social Housing Need (Five Year Projection)		NIHE (No of units increase)	2015-20	538	2016-21	599	2017-22	577	7.25%

NOTE: Some data provided may not have been tested against the Code of Conduct for Statistics.

Protected Sites: Position Paper – Environmental Assets, July 2015, Planning Department MUDC. Natural and Historic Heritage Assets are designated / protected by statutory bodies and through the Council's Local Development Plan process. Natural Heritage (NH) consists of RAMSAR sites, Special Areas of Conservation, Special Protected Areas, Areas of Special Scientific Interest, National Nature Reserves, Local Nature Reserves and Sites of Local Conservation Importance. Historic Environment (HE) consists of State Care Monuments, Scheduled Monuments and Unscheduled Monuments, Areas of Significant Archaeological Interest, Areas of Archaeological Potential, Listed Buildings and structures, Historic Parks, Gardens and Demesnes and Conservation Areas.

Education & Skills

Summary Issues:

Levels of educational under achievement, with regards to the percentage of our population that has 'no to low' qualifications, needs to be tackled via all levels of the education and training systems. Under achievement is particularly apparent in our most deprived areas. Research shows, in these communities, children under perform by as much as 10% to that of children from 'better off' areas of our District.

This educational gap must be closed. Education needs to be developed in holistic ways, for example by incorporating mental health and emotional resilience support and by ensuring educational facilities 'work' for children, families and communities beyond the traditional school hours/days. A number of our educational facilities require urgent replacement or significant upgrading. Meaningful links and collaboration are essential between employers, entrepreneurs, enterprise agencies, schools, colleges and communities. In the same way training and skills development should reflect Mid Ulster's many economic strengths.

Key Outcomes:

- Our people are better qualified and more skilled
- We give our children and young people the best chance in life
- We are more entrepreneurial, innovative and creative

1. Develop and roll-out a peer mentoring programme for children and young people experiencing low attainment.		
Action(s)	Timeline	Lead Partner/Partners
Deliver Mentoring Programme in post primary schools (based on good practice from the Neighbourhood Renewal model and engaging the school area partnerships).	January - 2018	Lead Partner: Education Authority Partners: CCMS Area Learning Partnerships Libraries Colleges
Establish Peer Mentoring programmes to support the above programme: <ul style="list-style-type: none"> • Map existing programmes for best practice • Recruit Peer volunteers • Establish programmes in schools 	Sept 2018 – Sept 2019	
Develop a coordinated volunteer scheme for schools, focusing on retired and teachers needing to gain experience to support the above programme. <ul style="list-style-type: none"> • Map existing programmes for best practice • Recruit & Train volunteers • Establish programme 	Sept 2018 – Sept 2019	
Engage libraries in delivering numeracy and literacy support	Sept 2018 – Sept 2019	

2. Ensure accessible preschool places for every child.

Action(s)	Timeline	Lead Partner/Partners
Map and monitor children receiving a final pre-school place compared to initial expression of interest to ensure children receive the opportunity of a pre-school development	January 2018	Lead Partner: Education Authority Partners:
Review issues of access to pre-school provision, if required for areas where demand cannot meet supply	June 2018	

3. Establish a Mid Ulster Skills Forum bringing together employers, entrepreneurs, enterprise agencies, schools and colleges to plan ahead to improve future employability.

Action(s)	Timeline	Lead Partner/Partners
Continue to engage with the Mid Ulster Skills Forum (USF) regarding partner delivery of the skills and education actions (review membership and structure of the forum to link education)	March 2017	Lead Partner: MUDC Partners: Skills Forum Partners Area Learning Partnerships Colleges
Complete Mid Ulster Skills Report and Action Plan 2017-20	Jan/Feb 2018	
Establish four working sub-groups: Skills Report & Action Plan, Education Linkages, Brexit and Apprenticeships (levy).	October 2017	

4. Develop and deliver a tailored High Level Apprenticeship programme to meet the specific needs of Mid Ulster industry

Action(s)	Timeline	Lead Partner/Partners
Marketing/branding of Colleges as a positive alternative to academic pathways through: <ul style="list-style-type: none"> Open Day/taster days for schools (similar to University open days) Awareness raising with parents on 'appropriate pathways'. Awareness raising for post 18/A-level pathway (positive alternative to University degree) 	TBC	Lead Partner: Northern Regional College & South West College Partners: Area Learning Partnerships Colleges Skills Forum
Apprenticeship programmes with co schooling for Year 11's - formalised link between schools and colleges with potential to deliver courses jointly.		
Engage with the Skills Forum to identify flexible apprenticeships and engage schools and colleges with businesses to offer on-site visits, skills days and opportunities for young people to engage with maximise impact (coordinated approach)		

5. Scope, develop and deliver a Mid Ulster Engineering Centre of Excellence

Action(s)	Timeline	Lead Partner/Partners
Develop a Mid Ulster Engineering Centre of Excellence in Dungannon for Mid Ulster, through a partnership approach led by the College to meet the engineering excellence and growth of the area	November 2017	Lead Partner: SW College Partners:
Premises Operational	April 2020	

Key Measures

Outcome	Measure	Source	Baseline Year 1	Data			Baseline Year 2	Data	Baseline Year 3	Data	% Difference
Our people are better qualified and more skilled	% of school leavers achieving at level 2 or above including English and Maths	NINIS	2012	64.01%			2013	61.17%	2014	66.36%	3.67%
	The proportion of the working age population qualified to level 1 and above, level 2 and above, level 3 and above, and level 4 and above (%)	NISRA (Labour Force Survey)	2015	No Qualifications 20%	NVQ (Level 1 – Level 3) 54%	NVQ Level 4 and above 27%	-	-	-	-	-
We give our children and young people the best chance in life	Gap between % of non Free School Meal (FSME) and % of FSME school leavers achieving at Level 2 or above including English and Maths (% points)	NINIS	2012	26.27%			2013	31.4%	2014	26.94%	2.55%
	NEETs (Not in Employment, Education or Training) NI Level	Labour Force Survey	2015	13.8%			2016	11.3%	2017	11.7%	-15.22%
We are more entrepreneurial, innovative and creative	% of firms actively engaged in innovation of skills development	Data Not Available – To be developed for Community Planning									

NOTE: Some data provided may not have been tested against the Code of Conduct for Statistics.

Health & Wellbeing

Summary Issues:

It is clear that responsibility for growing healthy communities ranges far beyond the traditional health and care services and structures, and that better balances can and must be achieved between prevention and treatment. We need to continue to work together across agencies to focus on early intervention and prevention and to reduce health inequalities. It is recognised that Health Inequalities are impacted by a wide range of determinants including, gender, age and ethnicity, disability and carers, as well as adequate disposable income; living and working conditions; level of education; access to services; and the environment.


It will be important in the development and delivery of services, that we give consideration to the whole, not just individual elements. A community-based and multi-agency approach to health and well-being programmes, projects and activities, aimed at all ages, communities, needs and lifestyles, and targeted to those most in need, should be sustained and built upon. This should be done through collaborative and cohesive working, incorporating a wider focus on mental health-related issues and social care provision. The local availability, effectiveness and efficiency of Health and Social Care services needs to be reviewed and enhanced to meet the needs of our community. This will require investment in our infrastructure, attention to our emergency ambulance response times, along with the reconfiguration of existing services and facilities. The importance and role of Primary Care, as provided by our General Practitioners (GPs), as the entry point to the Health and Social Care system for the majority of people, must be central to a future co-designed service.

Key Outcomes:

- We are better enabled to live longer healthier and more active lives
- We have better availability to the right health service, in the right place at the right time
- We care more for those most vulnerable and in need

1. An 'Ageing Well' initiative.

Action(s)	Timeline	Lead Partner/Partners
<p>Phase 1: Ageing Well Initiative (Good Morning & Handyvan)</p> <p>Ageing Well Contract to commence for Phase 1 of model:</p> <ul style="list-style-type: none"> • Good Morning Telephone Calls – telephone support scheme, which allows for contact with older people to allow them to remain independent at home and includes progression planning and links to the Every Contact Count initiative. • Handyvan Service – to support older people to remain in their homes by completing all necessary maintenance jobs. • Promotion of Health and Wellbeing messages. • Signposting and integration of partner services and receiving referrals from Partners. <p>Data capture method developed for the Ageing Well service to demonstrate outputs and outcomes.</p>	January 2018	<p>Lead Partner: MUDC</p> <p>Partners: All Health and Wellbeing Partners Community & Voluntary Sector</p>
<p>Phase 2: Ageing Well Vision</p> <ul style="list-style-type: none"> • Development of further Ageing Well Actions • Promotion of Age Friendly Programmes 	June 2018	

2. A 'Healthy for Life' strategy, team and portal; coordinating all health initiatives, programmes and literature available in the District		
DRAFT Action(s)	Timeline	Lead Partner/Partners
<p>Phase 1: Develop a shared Healthy for Life strategy to include:</p> <ul style="list-style-type: none"> • Mapping exercise of all current 'Healthy Living' Initiatives and programmes. Identify areas of focus i.e. target groups etc. • Partners to agree a Vision document and commit to an information sharing agreement • Refreshed data analysis of key health issues in Mid Ulster. Arrange workshop with statisticians from PHA / NISRA to look at data capture. • Analysis of current provision meeting current health issues. • Proposed 'Shared Working' Strategy to include shared work linkages (regular cross partner team meetings, potential for co-location). 	<div>  <p>January – June 2018</p> <p>July – Oct 2018</p> <p>December 2018</p> </div>	<p>Lead Partner: NHSCT</p> <p>Partners: All Health and Wellbeing Partners Community & Voluntary Sector</p>
<p>Phase 2: First 'Shared Working' arrangements piloted</p>	<p>April 2019</p>	

3. A Recreation and Active Lifestyle Plan which will provide formal and informal recreation and play opportunities.

DRAFT Action(s)	Timeline	Lead Partner/Partners
Phase 1: Completion of the following: <ol style="list-style-type: none"> 1. Everybody Active Plan 2. Play Parks Strategy 3. Forest and Outdoor Recreation Strategy 4. Village Plans – recreation / active lifestyles 5. PHA Commissioning / Trusts – Activity Referral Plan, Physical Activity Improvement Plan 	January – June 2018	Lead Partner: MUDC Partners: All Health and Wellbeing Partners Community & Voluntary Sector
Phase 2: Creation of a cross partner working group (MUDC Leisure, Parks, Environmental Health, Community Development, Sport NI, Disability Sport NI, PHA's Northern & Southern's Partnerships for Physical Activity)	September – December 2018	
Phase 3: Coordinate all Partner recreation and activity programmes in Mid Ulster Identify and develop plans for gaps in recreation across Mid Ulster	January – June 2019	
Phase 4: Recreation and Active Lifestyle Plan for Mid Ulster (Cross Partner Plan)	December 2019	

4. Develop and implement an integrated response to mental health and wellbeing.

DRAFT Action(s)	Timeline	Lead Partner/Partners
Mapping and integration of current provision, both preventative and treatment and identification of gaps in Mid Ulster.	January 2018	Lead Partner: PHA Partners: All Health and Wellbeing Partners Community & Voluntary Sector
Identification of key mental health issues and gaps in the district (including poverty and disadvantage, drugs & alcohol, isolation).	June 2018	
Develop a Mental Health Portal for treatment and pathway, and preventative support through engagement of the Take 5 Ways to Wellbeing Approach and other good practice initiatives.	January – March 2019	
Promote and develop resilience area based mental health support programmes to improve resilience of children and young people along with Education and Skills Action. To link with CYPSP Outcomes Groups (NHSCT & SHSCT) to support joined up planning.		

Key Measures

Outcome	Measure		Source	Baseline Year 1	Data	Baseline Year 2	Data	Baseline Year 3	Data	% Difference
We are better enabled to live longer healthier and more active lives	% of older people living independently		NINIS Census	2001	17.30%	2011	15.58%			-9.94%
	Healthy life expectancy at birth	Male	Health Inequalities Sub-regional Report 2017	2010-12	78.8	2011-13	78	2012-14	79.2	0.51%
		Female		2010-12	82.2	2011-13	83.4	2012-14	83.3	1.34%
	Preventable mortality (per 100,000)		NISRA	2008-2012	201.32	2009-2013	189.36	2010-2014	182.77	-9.21%
	% of people with mild to moderate mental health issues (GHQ12 scores equal to or greater than 4)		In development for PfG. Require PfG to provide data at LGD level							
We care more for those most vulnerable and in need	**Gap between highest and lowest deprivation quintile in healthy life expectancy at birth (years)	Male	Health Inequalities Sub-regional Report 2017	2010-12	0.4	2011-13	0.3	2012-14	0.6	50%
		Female		2010-12	0.1	2011-13	0.3	2012-14	0.7	600%
	The proportion of babies born at low birth weight		Sub-regional Inequalities 2015	2007-11	5.00%	2008-12	5.20%	2009-13	5.40%	8%
	% of children who are at the appropriate stage of development in their immediate pre-school year		In development for PfG. Require PfG to provide data at LGD level							

NOTE: Some data provided may not have been tested against the Code of Conduct for Statistics.

Data for 'Healthy life expectancy at birth' is not available for Mid Ulster – Figures used: Gap between lowest deprivation quintile and Mid Ulster average in

Vibrant & Safe Communities

Summary Issues:

We hold the view that, the success of the economy, the education system, health and wellbeing are all significantly influenced by the viability and vitality of local communities. Mid Ulster enjoys a strong and valued community infrastructure that takes many forms and delivers many activities and benefits. Support provided to community development and social enterprise is highly valued by local people and should be continued. Recorded crime levels overall are low but some high levels of localised anti-social behaviour and fear of crime must be tackled. Options for more innovative responses to community needs and especially the needs of excluded and vulnerable people need to be developed.

There is potential to make more effective use of existing facilities and to put in place responses to emergency or crisis situations. We must address the divisions that still exist within our communities, working to ensure shared resources and spaces are created, while respecting the diversity of all. Across all of this there needs to be a sustained approach to tackling poverty and disadvantage locally. We must protect the most vulnerable in our district; and alleviate against the impacts of policies such as Welfare Reform.

Key Outcomes:

- We are a safer community
- We have a greater value and respect for diversity
- We have stronger communities with less disadvantage and poverty

1. A Fear of Crime initiative.		
Action(s)	Timeline	Lead Partner/Partners
CCTV coverage in 5 principal towns of Dungannon, Cookstown, Magherafelt, Coalisland and Maghera and 2 villages in the district (previous coverage Fivemiletown and Draperstown).	Installation all areas January 2018	Lead Partner: MUDC Partners: PCSP Partners Business Community
Promotion of Ageing Well programme	January 2018	Lead Partner: PCSP Partners: PCSP Partners
Seek to develop a protocol with the media when referencing any major articles, support agencies are referenced in the article.	June 2018	
Link with Ageing Well Action for Good Morning callers to disseminate positive media campaign to clients		
Promotion and extended delivery of PCSP schemes aimed to reduce Fear of Crime, including: <ul style="list-style-type: none"> • Older people engagement and information events, • Neighbourhood watch schemes • Keeping safe workshops (all age groups) with Crime Prevention & PCSP Officers (internet safety, personal safety, home safety etc.) • Intergenerational Programmes • Link to Ageing Well initiative for older people (contact and home safety) 	December 2020	
Interagency Working Protocol (communicated across agencies) to ensure a rapid response to issues of graffiti, extreme littering, negative environmental issues impacting upon an area that could be prone to encouraging Fear of Crime.	June 2018	Lead Partner: MUDC Partners: All Partners
Develop an integrated solution to minimise risk to those attending and those living near bonfire sites within Mid Ulster.	June 2018	Lead Partner: MUDC /PSNI /NIHE NIEA /NIFRS /PHAS

2. Vulnerable Person's Programme of Activity		
Action(s)	Timeline	Lead Partner/Partners
<p>Establish a 'Support Hub' to facilitate agencies sharing information and support for those most vulnerable regarding safety (PSNI Model).</p> <p>Establish links for all partners to other relevant support mechanisms/structures operating throughout the District.</p>	June 2018	<p>Lead Partner: PSNI</p> <p>Partners: NHSCT /SHSCT NIHE /NIFRS/ NIAS YJA /Probation Board PCSP</p>
Extend and promote protocols re young people with behavioural issues to provide 'soft landing' and avoid criminalisation (PSNI protocol Trust Children and Young People Locality Group)	September 2018	<p>Lead Partner: PSNI/Southern Outcomes Group</p> <p>Partners: PCSP Partners</p>
Positive Relationships Programme to all post primary young people (healthy relationships, domestic violence, bullying etc).	March 2018	<p>Lead Partner: PCSP</p> <p>Partners: PCSP Partners EA CCMS Schools Health Trusts</p>
Engage education authority and all primary schools regarding mainstream delivery of Helping Hands healthy relationships awareness to children - reengage with the current tool kit and deliver additional support to schools where required.	June 2018	<p>Lead Partner: EA</p> <p>Partners: PCSP Partners CCMS /Schools Health Trusts</p>
Positive Relationships Programme with adults with Learning Difficulties addressing issues of financial abuse, healthy relationships and community connections.	April 2019	<p>Lead Partner: Health Trusts – Adult Services</p> <p>Partners: PCSP Partners</p>

3. A Community First Responder initiative for emergency response situations and safety concerns.		
Action(s)	Timeline	Lead Partner/Partners
<p>Support and promote delivery of Mid Ulster Community Resus Action Plan:</p> <ol style="list-style-type: none"> 1. Automated External Defibrillators (AEDs) - Mapping, Registration and Maintenance 2. Training 3. Raise awareness <p>Seek to ensure every community has access and is aware of an NIAS registered defibrillator</p>	June 2018	<p>Lead Partner: MUDC Community Resus Group</p> <p>Partners: NIAS MUDC Community Resus Group Members</p>
<p>Identify, promote and support community resilience models across Mid Ulster for first responder, flooding (in areas of potential flooding) and rescue services (e.g. Lough Neagh Rescue) and use these to promote best practice to other groups.</p> <p>Link to District's Emergency Planning Group.</p>	December 2020	<p>Lead Partner: Council & PSNI</p> <p>Partners: NIFRS</p>
<p>Regular reviews of Emergency Planning with all partners to ensure everyone is aware of action in emergency</p> <p>Establishment of a Mid Ulster Flood Resilience Forum to identify areas for potential flooding and support mechanisms currently in place and support communities where feasible e.g. sand bag scheme, awareness of main contact points etc.</p>	<p>June 2018</p> <p>June 2019</p>	<p>PSNI Statutory Partners</p>
<p>Sustain the current provision to all children and young people on risk awareness (fire risk P5, safety risks Bee Safe) and basic knowledge of response.</p>	Ongoing	<p>Lead Partner: NIFRS PSNI PCSP</p> <p>Partners: Statutory Partners</p>

4. A 'Design Out Crime' guide/process with appropriate partners to help develop safer spaces and places		
Action(s)	Timeline	Lead Partner/Partners
Develop a process for statutory engagement with PSNI Design Out Crime Service for major schemes	June 2018	Lead Partner: PSNI Partners: PCSP Housing Associations Statutory Partners
Information sessions for Designing out Crime with key agencies to ensure key principles taken on board through design, planning to development (potential agencies Planners, architect society, universities etc	June 2019	
Design out crime analysis of all capital actions within Community Plan, including Village Renewal Schemes and Park & Ride Schemes	TBC	

5. An Anti-Social Behaviour Programme, targeting the districts hot spot areas and issues.

Action(s)	Timeline	Lead Partner/Partners
To support and promote Mid Ulster Anti-Social Behaviour Forum and Action Plan	June 2018	Lead Partner: PCSP Partners: PSNI MUDC Environ. Health NIHE
Coordinate all existing providers on drugs and alcohol support to ensure targeted at need	June 2018	Lead Partner: PHA Partners: PCSP Health Trusts (Drugs & Alcohol co-ordinating group) EA CCMS Youth Service Schools Drugs and Alcohol Agencies
Develop a 'Drugs & Alcohol' packaged Programme for Mid Ulster working in partnership to deliver a targeted programme for young people through community and schools Link to Health & Wellbeing and Education & Skills Mental Health Actions	June 2018	Lead Partner: PCSP Health Trusts (Drugs & Alcohol co-ordinating group) EA CCMS Youth Service Schools Drugs and Alcohol Agencies
Extend and Promote the Community Resolution Notice targeting ASB at key times, including Halloween (Note; community resolution notice is for PSNI to engage young person and parents in either greater awareness or training re behaviour to seek to avoid criminal prosecution, where appropriate)	September 2018	Lead Partner: PSNI Partners: PCSP
Review and develop Icelandic model to address drugs and alcohol misuse and seek to pilot in Mid Ulster	Ongoing	Lead Facilitator: PHA Partners: PCSP Partners

6.a. Promote engagement between schools and youth provision in diversity and good relations 6.b. Support and promote respect for diversity and the integration of our minority communities		
Action(s)	Timeline	Lead Partner/Partners
A promotion campaign on respect for diversity across Mid Ulster by all partners with a short to medium term communications plan	Sept 2018 to commence roll out	Lead Partner: MUDC Partners: All Partners EA Youth Service Schools
Support/deliver diversity programmes to promote respect for diversity, inclusion and equality with children and young people in schools, youth groups, identified through a good relations audit of Mid Ulster Deliver cross community engagement and diversity programme to all primary schools in Mid Ulster annually targeting P6/P7 and engage EA on the signature project for Mid Ulster to maximise engagement of all schools	March 2018 Audit Actions December 2020	
Promote, develop and support cultural expression among our minority groups; including migrant support service with STEP, traveller engagement and belong model, mini Melas in all our principal towns annually and engagement of all our migrant groups and communities	December 2020	
Promote Peace and reconciliation across our District and development of shared/diverse space to include everyone, through delivery of the Peace IV programme of £3million	December 2020	

7. Support the community and voluntary sector to build capacity and promote volunteering opportunities

Action(s)	Timeline	Lead Partner/Partners
Support and develop community volunteering opportunities across Mid Ulster through grant and investment support to community development infrastructure through grants and strategic support programme over 3 years	December 2020	Lead Partner: MUDC Partners: Department for Communities All Partners
Establish a good practice guide/IT resource to share case studies and support to Groups	December 2019	
Develop a recognition process for proactive volunteering	December 2019	
Mapping of Partner Volunteering Programmes	December 2019	
Link with young people's volunteering programmes (Duke of Edinburgh Award and John Paul II Scheme) and greater engagement with community	December 2019	

8. Develop, promote and sustain the Arts in Mid Ulster.

Action(s)	Timeline	Lead Partner/Partners
Develop an Arts and Cultural Strategy for Mid Ulster	April 2018	Lead Partner: MUDC Partners: DfC Strategic Community Arts Partners
Review areas for integrated delivery and establish a plan delivery and targets for strategic development across Mid Ulster	December 2018	
Support and develop community arts across Mid Ulster through grants and developing the community arts infrastructure through strategic partnership agreements for 3 year programmes	December 2020	
Maximise the integrated use of Council's Arts and cultural venues across Mid Ulster - The Burnavon, Ranfurly House and Hill of The O'Neill Centre and Seamus Heaney Homeplace Centre	December 2020	

Key Measures

Outcome	Measure		Source	Baseline Year 1	Data	Baseline Year 2	Data	Baseline Year 3	Data	% Difference
We are a safer community	Fear of Crime Level		Mid Ulster Community Planning Survey 2014/2015	2014/15	36.40%	-	-	-	-	-
					59.10%	-	-	-	-	-
					10.80%	-	-	-	-	-
					45.40%	-	-	-	-	-
	Incidences of Anti-Social Behaviour		NISRA	2014/15	3303	2015/16	2906	2016/17	2877	-12.90%
We have a greater value and respect for diversity	% of the population who believe their cultural identity is respected by society		To be developed by PFG							
	Incidences of Hate Crime	Hate Crime with a Homophobic motivation	PSNI	2014/15	4	2015/16	7	2016/17	4	0.00%
		Hate Crime with a Racist motivation		2014/15	36	2015/16	29	2016/17	39	8.33%
		Hate Crime with a Sectarian motivation		2014/15	46	2015/16	48	2016/17	46	0.00%
	A Respect Index		To be developed by PFG							
	Engagement in culture and arts by adults in NI		NISRA	2015/16	85%	2016/17	85%			0
	% of population engaging with arts/cultural activities in the past year		To be developed by PFG							
	% of population who think leisure centres, parks, libraries and shopping centres in their areas are 'shared and open' to both Protestants and Catholics.		To be developed by PFG							
We have stronger communities with less disadvantage	Deprivation Levels (Rank out of 11)		NINIS	2010	8	N/A	N/A	N/A	N/A	N/A

and poverty	% of population living in absolute and relative poverty (Before Housing Costs)	Individuals in relative poverty	NINIS	2012-2014	21.28	-	-	-	-
		Individuals in absolute poverty			21.24			-	-
		Children in relative poverty			22.99			-	-
		Children in absolute poverty			23.12			-	-
	Level of volunteering		MUDC to develop for Community Planning						

NOTE: Some data provided may not have been tested against the Code of Conduct for Statistics.

Report on	Consultations notified to Mid Ulster District Council
Date of Meeting	24 May 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 that may be pertinent to council services and/or the District.
3.0	Main Report
3.1	Documentation relating to the aforementioned consultations can be accessed via the links provided in the table provided in Appendix A.
4.0	Other Considerations
4.1	Financial, Human Resources & Risk Implications
	Financial: N/A
	Human: N/A
	Risk Management: N/A
4.2	Screening & Impact Assessments
	Equality & Good Relations Implications: None
	Rural Needs Implications: None
5.0	Recommendation(s)
5.1	Members review and note consultations notified to Mid Ulster District Council.
6.0	Documents Attached & References
	Appendix A: Details of Current Consultations

Appendix A: Details of Current Consultations

Organisation	Consultation Title	Issue	Closing Date	Response Currently Being Developed
Department of Agriculture, Environment and Rural Affairs	Consultation on the Proposed Marine Plan for Northern Ireland	Across the UK, new systems of marine planning have been introduced. The Department is seeking views on the NI Marine Plan which will facilitate the sustainable development of the Northern Ireland marine area.	5pm on 15 June 2018	
	Link to Consultation	https://www.daera-ni.gov.uk/sites/default/files/consultations/daera/Marine%20Plan%20for%20NI%20final%2016%2004%2018.PDF		
	Delegated Authority is required to be granted to a Committee if Council agrees that a response should be made (where an extension is not given)?		Yes	
Organisation	Consultation Title	Issue	Closing Date	Response Currently Being Developed
Department of Communities	Draft Local Government (Consequential Amendments) Regulations (NI) 2018	The 2014 Act included an enabling power to make consequential amendments in connection with its own provisions and those of the other two Acts listed above. The Department proposes to use this power to make Regulations to rectify the minor and consequential anomalies (including the references to former council names and districts) in other legislation. The Department considers the draft Regulations to be technical in nature.	30 June 2018	

	Link to Consultation	https://www.communities-ni.gov.uk/consultations/draft-local-government-consequential-amendments-regulations-northern-ireland-2018		
Organisation	Consultation Title	Issue	Closing Date	Response Currently Being Developed
Forest Service	Invitation to participate in the scoping of a new forestry plan for Antrim forests and woodland	This is a scoping of a new forestry plan in relation to forests and woodland in the Antrim Forestry Planning Area. The boundary of the forestry planning area and locations of Forest Service forests, non-Forest Service forests, and other woodland, are indicated on the attached map.	1 June 2018 (extended from 18 May 2018)	
	Link to Consultation	https://consultations.nidirect.gov.uk/daera-forest-service/scoping-a-new-forestry-plan-for-antrim-fpa		
	Delegated Authority is required to be granted should a response be made (where an extension is not given)?		Yes	

Report on	Correspondence to Council – May 2018
Date of Meeting	Thursday 24 th May 2018
Reporting Officer	P Moffett, Head of Democratic Services
Contact Officer	P Moffett, Head of Democratic Services

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

1.0	Purpose of Report
1.1	Provide an update on correspondence received for attention of Council.
2.0	Background
2.1	This paper refers to correspondence to be brought to the attention of Council. Items are referred to in 3.0 below.
3.0	Main Report
3.1	<p>Correspondence from Commissioner for Children and Young People</p> <p>The Commissioner for Children and Young People, Koulla Yiasouma, has corresponded with the Chair of Council regarding the recent establishment of a <i>Children's Funeral Fund</i> in England and Wales. The letter infers that the council consider such matters and support same.</p>
3.2	<p>Correspondence from Director of Regeneration & Planning, Omagh & Fermanagh DC</p> <p>The Director of Regeneration & Planning of the above council has corresponded with the Chief Executive seeking views from the Council on the establishment of a 'Tyrone Forum'. A specific remit for the proposed forum has not been identified but suggestion is made that it could focus on the protection and promotion of County Tyrone.</p>
4.0	Other Considerations
4.1	Financial, Human Resources & Risk Implications
	Financial: not applicable
	Human: not applicable
	Risk Management: not applicable
4.2	Screening & Impact Assessments

	Equality & Good Relations Implications: not applicable
	Rural Needs Implications: not applicable
5.0	Recommendation(s)
5.1	That Council notes and consider, as necessary, the correspondence received.
6.0	Documents Attached & References
	Appendix A: Northern Ireland Commissioner for Children and Young People Appendix B: Fermanagh & Omagh District Council

EMAIL & POST

Kim Ashton
Chair
Mid Ulster Council
Cookstown Office
Burn Road
Cookstown
BT80 8DT

Ref: 18/CJS/KY/38

04 May 2018

Dear Chair Ashton

The office of NI Commissioner for Children and Young People (NICCY) was established by legislation in 2003 to 'safeguard and promote the rights and best interests of children and young people in Northern Ireland'. I was appointed in March 2015 by the then First and Deputy First Ministers, Peter Robinson and Martin McGuinness.

The legislation specifically requires me as Commissioner to ensure that children and young people have their voices heard and their rights and best interests taken into consideration when decisions are made which will affect them. I can also issue advice and guidance to government and statutory authorities when deemed necessary.

I am also required to take into account the role that parents play in the lives of their children. It is with this in mind that I am writing regarding developments in England and Wales concerning the Children's Funeral Fund.

Under the scheme, parents will no longer have to meet the full council costs of burials or cremations of their children and these will be met instead by government funding. In the absence of an Executive in NI I am asking your council to consider providing such a fund for the bereaved families in the Mid Ulster Council area. In 2016 sadly 16 children passed away in your area which places the cost of funding their burial or cremation in the low thousands.

Such an initiative will ensure that no bereaved parent in your community will have to worry about how they will pay for their child's burial or have to resort to take out loans. Whilst parent in receipt of universal credit and other benefits may seek assistance the completion of a 26 page application form for Funeral Payment from the Social Fund is often too difficult for them during this awful time.

When in discussions with some council representatives it has been asserted to me that Northern Ireland's Equality Legislation (ie Section 75 of the Northern Ireland Act 1998) prevents public authorities taking action which would positively impact many of the groups protected under Section 75 over another. This is not the case. Section 75 requires more than the avoidance of adverse impact and that a proactive approach be taken to ensure the promotion of equality of opportunity. In many cases, Section 75 will require positive action is taken by designated public authorities to ensure equality of opportunity, eg. in the case of children who do not have access to an income. This can be demonstrated by already existing council initiatives including reduced entry fees to facilities such as leisure centres for children.

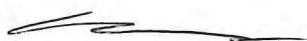
Indeed the Equality Commission's Guidance for Public Authorities on Implementing Section 75 of the Northern Ireland Act 1998 states that:

*"The promotion of equality of opportunity entails more than the elimination of discrimination. It **requires** proactive measures to be taken to facilitate the promotion of equality of opportunity between the categories identified in Section 75 (1). The equality duty should not deter a public authority from taking action to address disadvantage among particular sections of society – indeed such action may be an appropriate response to addressing inequalities."*¹ (our emphasis).

I really hope that your council is able to provide this support to parents during the most difficult time of their lives and in a small way alleviate some of the stress.

Should you require further assistance please do not hesitate to contact me.

Yours sincerely



Koulla Yiasouma
Commissioner for Children and Young People

cc: Chief Executive, Mid Ulster Council

¹ Pg 24, Section 75 of the Northern Ireland Act 1998, A Guide for Public Authorities, Northern Ireland Equality Commission, 2010.

Your Ref

Our Ref

Date

8 May 2018

Email

Alison.McCullagh@fermanaghomagham.com

Appendix B



Fermanagh & Omagh
District Council

Comhairle Ceantair
Fhear Manach agus na hÓmaí

Brendan Hegarty
Chief Executive

Mr Anthony Tohill
Chief Executive
Mid Ulster District Council
Ballyronan Road
MAGHERAFELT
BT45 6EN

Dear Anthony,

At its May meeting, Members of Fermanagh and Omagh District Council requested that views are sought from neighbouring Councils regarding the establishment of a Tyrone Forum. While there was not extensive discussion on the purpose of the proposed Forum, Members suggested that it could focus primarily on the protection of the County Tyrone identity and promotion of the County.

I would be grateful if, at an appropriate juncture, this suggestion could be considered by Mid Ulster District Council, and that you advise me in due course of your Council's deliberations on the matter.

Yours sincerely

Alison McCullagh
Director of Regeneration and Planning

