

A

Minutes of Special Meeting of Mid Ulster District Council held on Thursday 19 January 2017 in the Council Offices, Circular Road, Dungannon

Members Present: Councillor Wilson, Chair

Councillors Ashton, Buchanan, Burton (7.30pm), Cuddy, Cuthbertson (7.03pm), Forde, Gillespie(7.11pm), Glasgow, Kearney, McAleer, McFlynn, McKinney, McLean, Molloy, Mullen, M Quinn, Robinson, G Shiels and J Shiels

Officers in Attendance: Mr A Tohill, Chief Executive
Mr Cassells, Director of Environment and Property
Mr Kelso, Director of Public Health and Infrastructure
Mr McCreesh, Director of Business and Communities
Mr Moffett, Head of Democratic Services
Mrs Forde, Member Support Officer

In Attendance: Representatives of Northern Regional College

Professor Scott, Principal & Chief Executive
Mr Brankin, Vice Principal, Business Development & Transformation

Representatives of South West Regional College

Mr McAleer, Director
Mr Michael McAlister
Dr Jill Cush, Innovation and Development Manager

Representative of South East Education Authority

Mr Freeburn,
Ms Maraid Maguire

The meeting commenced at 7 pm.

SC1/17 Apologies

Councillors Bateson, Bell, Clarke, Doris, Elattar, Gildernew, Mallaghan, McEldowney, McGinley, B McGuigan, S McGuigan, Monteith, McNamee, McPeake, Mulligan, C O'Neill, J O'Neill, T Quinn, Reid and Totten

Councillor Cuthbertson entered the meeting at 7.03pm

SC2/17 Declarations of Interest

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

SC3/17 Chair's Business

The Chair, Councillor Wilson wished everyone a Happy New Year and advised he would have to leave the meeting at 8.00pm at which time the Vice Chair, Councillor McAleer would chair the meeting.

SC4/17 Northern Regional College

The Chair, Councillor Wilson welcomed representatives from Northern Regional College to the meeting. Professor Scott delivered a presentation (appendix 1) which outlined the College's strategic priorities moving forward, that the centres would be reduced to three with Magherafelt campus remaining and receiving a £170k investment, partnerships and projects within the district and their response to the Mid Ulster Community Plan. Professor Scott highlighted that campus tabled information packs were available.

Councillor Gillespie entered the meeting during presentation at 7.11pm

In response to Councillor J Shiels question regarding availability of City & Guilds Engineering Course in Magherafelt, Professor Scott advised as for any course there has to be sufficient numbers and stated that historically the challenge had been in retaining students in Magherafelt campus and thus the priority for the college to develop a three year plan which agreed specialism such as engineering in Magherafelt Campus, also Digital Marketing, attaining high calibre staff and increasing the student experience. Councillor J Shiels welcomed the Digital Marketing Courses and Professor Scott advised that the timetable of courses for 2017/18 would be released on the college website week commencing 23 January, she further advised that subject to demand of ten people the college would endeavour to develop courses accordingly.

Councillor F Burton entered the meeting at 7.30pm

Councillor Forde acknowledged the wide range of courses but stated that in speaking to school leavers there appeared to be no provision for book keeping and asked was there not sufficient demand. In response Professor Scott stated such provision would have been covered in business administration but the college had moved to digital business focusing on ebusiness booking skills which would have people ready for business. She further advised that often the approach is a business employs a trainee to do an apprenticeship.

Councillor McLean stated that the campus in Magherafelt was a hive of activity and had the College tried to attain more land for carparking. In response, Professor Scott stated that carparking would always be an issue but the College currently had no plans to develop a carpark and if land became available they would be enthusiastic but they would be looking for development opportunities not carparking.

Councillor Mclean acknowledged that the courses were all 'high tech' but stating that he worked in the construction sector and emphasised the success of the Mid Ulster region in the construction field. He stated there was major skill shortages and skilled workers were travelling to England for work, that there was difficulty in attracting

young people into such work and there was a lack of purposeful courses making reference to the former 'City & Guilds' courses. He stated that the construction industry was coming out of austere times but facing major skill shortages for example brick layers and joiners.

In response Professor Scott stated the area had the biggest and most successful companies in the construction sector but highlighted the issue of sub-contracting which led to a lack of apprenticeship places as no one wanted to pay the training costs. Professor Scott stated that employers had to understand their responsibility in creating interest in the sector by supporting apprenticeships. In relation to long term sustainability it was noted that within five years the youngest person on a building site would be 35 years of age.

Councillor Gillespie concurred with Members regarding the lack of skilled workforce and supported the need to create a greater awareness in the industry.

Councillor Kearney referred to the demise of Gallagher's and enquired if people were attending colleges to reskill. In response, Professor Scott advised that essential skills had been offered to those leaving Gallagher's both from basic numeracy and literacy skills to skill transitions in high salaried jobs.

The Chair, Councillor Wilson left the meeting at 7.45pm

The Deputy Chair, Councillor McAleer took the Chair.

The Deputy Chair, Councillor McAleer thanked Professor Scott for the presentation.

SC5/17 South West Regional College

The Deputy Chair, Councillor McAleer welcomed representatives from South West Regional College to the meeting.

In response to questions raised previously Mr McAleer advised that business studies courses had experienced growth in the current year, that the College had 1500 apprenticeships but no bricklayers, plasterers nor joiners yet every other area was well represented.

Mr McAleer together with Mr McAlister and Dr Cush delivered a presentation (appendix 2) outlining the college journey 2007 to 2017 and the development plan 2015-2018. He highlighted the success of the innovation centres and advised that works on the planned centre for Enniskillen would commence summer 2017. Mr McAleer highlighted the Innovation Centre for Engineering advising that £6.6m funding had been secured.

Councillor Mullen left the meeting at 7.52pm

Councillor Robinson and M Quinn left the meeting at 8.00pm

The Deputy Chair, Councillor McAleer thanked the delegation for the presentation. Dr Cush advised that the College would wish to engage in discussion with Council

staff with regard to the new centre of excellence for engineering. The Deputy Chair commended the college on funding secured to date and invited Members questions.

Councillor Molloy commended the college on investment secured and stated that he welcomed negotiations between Council and College in regard to the new centre of excellence planned. In response Mr McAleer reminded Members the original site planned for the centre had been the pitches to the rear of the Council but having engaged with architects it was deemed as too low key and with the stem centre across the fence from Council it was hoped to investigate the possible use of lands at Council site. He advised the funding was secured until 2021, that the opportunity to work with the Catapult centre was exceptional, that Queen's University had agreed to work with them and there was fantastic opportunities ahead.

Councillor Ashton commended the College on its funding and referred to a key engineering event hosted in 2016 and asked if there was plans for similar event in the current year. The Councillor also referred to Council's economic plan to include engagement with stakeholders in relation to skills. Mr McAleer advised that the engineering event was an annual one and stated that there was an employers' forum for each foundation degree course.

The Director of Business and Communities stated that the employers' forum is a critical element of Councils Economic Development Strategy and that together with the Chief Executive he had met with employers and colleges throughout the district. He advised that a structure for a 'Mid Ulster Skills Forum' had been agreed and Council was working towards the first meeting. He stated that the Forum would work across the board highlighting examples such as agrifood, pharmaceuticals. He highlighted that the objective is to address issues highlighted by economists such as skills gaps and shortages.

Councillor J Shiels referred to the 'virtual college' highlighted during the presentation and asked how much of the courses is completed on line and if it was in use locally. In response Mr McAllister stated that it had been brought on-board to enhance not replace fulltime courses and moving forward perhaps 10% of a course could be available online. He emphasised that it was in the early stages of development but they were aiming for 10% of curriculum to be available through virtual college.

Councillor Cuddy commended South West College and highlighted it as a success story referring to the legacy Council relationship with the College. Councillor Cuddy made reference to increased number of job advertisements in local press and asked if the needs of Mid Ulster industries were being met as factories were highlighting skill shortages. In response Mr McAleer stated that the College focuses on future demands, he stated that technology was in big demand and the college was endeavouring to meet needs, he further highlighted the 'wet trades' and stated that whilst people were engaging in electrical and plumbing courses the College had a list of contractors seeking people for 'wet skills'. Mr McAllister referred to 'sample days' hosted by the colleges to which school children are invited he also emphasised the importance of careers advice as young people were making choices in school and they needed to the right choices. He advised that schools needed to highlight gaps in skilled personnel.

Councillor McLean concurred with Mr McAllister highlighting the benefits, discipline and enjoyment he has gleaned from his own career on the building site stating that in learning from the foundation up young people could aspire to anything.

Councillor Cuthbertson stated that it was alarming that no bricklayers, plasterers nor joiners were entering the trade and also highlighted that a painting contractor had expressed the difficulties of attracting young people into the trade. Mr McAleer stated that again the College had major difficulties attracting young people to such courses and advised that the College had an award winning painting and decorating section in Enniskillen but recruitment was down. Mr McAleer made reference to young people at schools sitting A Levels and going to university which in turn was creating a big debt yet apprenticeships were brilliant and highlighted the input of industry to support scholarships.

Councillor McKinney referred to the lack of 'wet workers' and suggested that bursaries should be offered as the first year in training payment was very little and it was difficult for young people to see beyond that. He emphasised that all could not be blamed on the education system stating that money was raised to support engineering and an incentive for outside workers should be considered. Mr McAleer suggested that Colleges and Council should take a joint approach in writing to construction industries to suggest a bursary scheme to enhance recruitment as the demand was there for workforce.

Professor Scott stated that whilst the Department of Education have the responsibility to train employers have difficulty with lack of skilled workforce and stated that there was an issue with apprenticeship levies. She highlighted that in a previous employment it was written into contract agreements that apprenticeships had to be supported. Professor Scott stated it was not suffice to advertise courses for example bricklayers in the local paper instead colleges needed to promote through youth organisations and clubs highlighting the benefits of such skills and their associated career opportunities.

SC6/17 Education Authority (EA)

The Vice Chair, Councillor McAleer welcomed representatives from the Education Authority. Mr Freeburn and Ms Maguire delivered a presentation (appendix 3) outlining the Education Authority 'Context for Providing Pathways Draft Area Plan' and how it links in with Mid Ulster Community Plan and collaboration between the CCMS and EA.

Councillor J Shiels left the meeting at 8.45pm

The Vice Chair, Councillor McAleer thanked the Education Authority representatives for their presentation.

Mr McAleer drew attention to results of recent surveys which highlighted that many secondary schools now did not comply with the criteria of offering 27 subjects and also referred to a recent press release in which the Minister for Education had

indicated that the required number of subjects would be reduced. In response, Ms Maguire stated that she too had read the article but to date the Minister had not officially communicated the change.

In response to Councillor McKinney's question regarding school costs Mr Freeburn stated that in relation to community use of schools costs for heat and light should be 100% recoverable. He further explained that when calculating running costs for schools it is based on pupil numbers, number of teachers required then heating and lighting costs associated for school use. Mr Freeburn emphasised that schools should be used as community hubs and that the Education Authority was keen to get working groups within the community. He also drew attention to shared resources such as the 'stem truck' which can visit post primary schools and is used to support careers advice.

Councillor Molloy made reference to the growth in population especially in the Mid Ulster area and how many educational facilities were not taking this into consideration. He also expressed concern in relation to school estates highlighting instances were two small schools in the same vicinity both have 3g pitches posing the question could they not share such facilities. He also sought clarification if the transport cuts highlighted in the press would affect the Mid Ulster area.

In response Ms Maguire stated that in relation to school estates it was most likely a case of a controlled school and a school under the remit of the CCMS but stressed that in the future this would not happen as there was greater emphasis on sharing facility. With regard to concerns in relation to transport Ms Maguire stated that transport was not within her remit but that everyone was aware of the reduced budgets that the Education Authority were now working within but emphasised that there would be public consultations in relation to any changes. It was noted that 'purdah' would now be in practise until after the elections and thus that would delay any decisions.

Mr Freeburn stated that in relation to school estates the Authority was looking to community planning and perhaps when there is new school builds Council supporting for example the provision of pitches and associated floodlighting and stressed that the Education Authority was open to partnership working.

Councillor Ashton concurred with concerns raised by Councillor Molloy in relation to school transport emphasising that cuts in school transport provision would seriously affect Mid Ulster. The Councillor emphasised that often rural schools were first hit with cuts and although they may not have high numbers enrolled they were community hubs and were good performers. Councillor Ashton stated that she hoped rural schools were not viewed the same as larger schools and that consideration would be given.

Councillor Ashton declared an interest in Aughnacloy College.

Councillor Ashton referred to a partnership arrangement between Council and Aughnacloy College and stated that although somewhat complex to establish she would like to see more school estates opened in this way.

Councillor McFlynn declared an interest in St Patrick's, Moneymore as she sat on Board of Governors.

Councillor McFlynn drew attention to the statistics mentioned in relation to children availing of free school meals and stated that these families would be greatly affected if school transport was withdrawn. Councillor McFlynn also emphasised the lack of funding in relation to schools budget for testing children with special needs stating that regularly she is made aware of cases whereby five children need tested but only two can be put forward. The Councillor made reference to a conference hosted at Spires College in Magherafelt when over 100 parents attended and shared the difficulties of attaining school places for children with special needs. Councillor McFlynn stated that where some schools had special units for provision there was only one school in the Cookstown area and it simply was not good enough.

Councillor McLean stated that 'one shoe does not fit all' applies to many areas and that he was a critic and every organisation needed one to ensure that 'lawmakers thought outside the box'. He emphasised that as Members of lower levels of government they had to ensure the higher levels did think outside the box. He commended the evolvement of the Further Education Colleges in recent years and stated that the educational system needed to respond to demand and evolve. Councillor McLean commended the Mid Ulster Education Centre.

In response Mr Freeburn stated that the overriding aim was to ensure that the right education provision for children was provided and area solutions often needed to be found emphasising that it was hoped that community planning would greatly assist. He emphasised that many rural schools provided excellent education and in addressing special needs through psychology testing his recommendation is always put all the children forward for testing even if the number of referrals exceed the number permitted. Mr Freeburn also stated in terms of identified special needs again area planning should assist but provision in main stream schools would need to be extended.

Ms Maguire stated that the emphasis was bringing provision to the child, not the child to provision. Making reference to the budget for education Ms Maguire stated a predecessor during a consultation had stated that the 'cake wasn't getting bigger but the number of people were and if change wasn't implemented and money managed in a different way there simply would not be enough', with this in mind Ms Maguire stated that the Education Board faces major challenges.

Mr Freeburn emphasised that Councillors had a unique role on Board of Governors as the Education Authority did not engage at that level but community planning again should open up opportunities.

The Vice Chair Councillor McAleer thanked everyone for attending.

SC7/17 Duration of Meeting

The meeting was called for 7.00pm and ended at 9.30pm

Date: _____

B

Minutes of Meeting of Mid Ulster District Council held on Thursday 26 January 2017 in the Council Offices, Circular Road, Dungannon

Chair: Councillor Wilson, Chair

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

Officers in Attendance: Mr Tohill, Chief Executive
Ms Campbell, Director of Culture and Leisure
Ms Canavan, Director of Organisational Development
Mr Cassells, Director of Environment and Property
Mrs Forde, Member Support Officer
Mr Kelso, Director of Public Health and Infrastructure
Mr McCreesh, Director of Business and Communities
Ms Mezza, Head of Marketing and Communications
Mr JJ Tohill, Director of Finance

The meeting commenced at 7pm

C1/17 Apologies

Councillors Glasgow, McEldowney, Mullen, C O'Neill and J Shiels

C2/17 Declarations of Interest

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

C3/17 Chair's Business

None

Matters for Decision

C4/17 Receive and consider minutes of matters transacted in "Open Business" at the Council meeting held on Thursday 15 December 2016

Proposed by Councillor Reid
Seconded by Councillor S McGuigan

Resolved That the Minutes of the Meeting of the Council held on Thursday 15 December 2016 (C259/16 – C283/16), transacted in "Open Business"

having been printed and circulated, were considered and signed as accurate and correct.

C5/17 Receive and consider the minutes and recommendations of matters transacted in “Open Business” at the Planning meeting held on Monday 9 January 2017

Councillor Mallaghan requested that the closing date for the consultation responses in relation to the Community Consultation Exercise for Mid Ulster Local Development Plan 2015-2030 be extended for a further 10 days if possible. Members concurred.

Proposed by Councillor Mallaghan
Seconded by Councillor Reid

Resolved That the Minutes and recommendations of the Planning Committee meeting held on Monday 9 January 2017 (P001/17 – P009/17 and P0113/17) transacted in “Open Business”, having been printed and circulated, subject to the foregoing, were considered and signed as accurate and correct.

C6/17 Receive and consider the minutes and recommendations of matters transacted in “Open Business” at the Environment Committee held on Tuesday 10 January 2017

Proposed by Councillor McNamee
Seconded by Councillor McLean

Resolved That the Minutes and recommendations of the Environment Committee meeting held on Tuesday 10 January 2017 (E001/17 – E017/17 and E025/17) transacted in “Open Business”, having been printed and circulated, were considered and adopted.

C7/17 Receive and consider the minutes and recommendations of matters transacted in “Open Business” at the Policy and Resources Committee meeting held on Wednesday 11 January 2017

Proposed by Councillor Gildernew
Seconded by Councillor Bateson

Resolved That the Minutes and recommendations of the Policy and Resources Committee meeting held on Wednesday 11 January 2017 (PR001/17 – PR007/17 and PR018/17) transacted in “Open Business”, having been printed and circulated, were considered and adopted.

C8/17 Receive and consider the minutes and recommendations of matters transacted in “Open Business” at the Development Committee held on Thursday 12 January 2017

The Chair, Councillor Wilson referred to item 'D008/17 Sperrins Conference Proposal: Managing and Developing Outdoor Recreation in Protected Landscapes' and requested that the Proposal be withdrawn and Council to await report to the Development Committee with regard to an event planned for September 2017 to be supported by all Councils and relevant Government departments

Proposed by Councillor Molloy
Seconded by Councillor T Quinn

Resolved: That the Minutes and recommendations of the Development Committee meeting held on Thursday 12 January 2017 (D001/17 – D018/17 and D020/17) transacted in "Open Business", having been printed and circulated, subject to the foregoing, were considered and adopted.

C9/17 Conferences and Seminars

The Head of Democratic Services referred to details of the undernoted conferences and sought approval for the attendance of Members and Council officers outlined in the report, the payment of attendance fees and associated costs as incurred.

- (i) Social Enterprises NI: Social Value Conference 'Shaping the Future-Making your Mark'
 - Thursday 26 January 2017, 8.30 am – 1.30 pm Girdwood Community Hub, Belfast

Volunteer Now: Viewing Supporting Delivery of Public Service Conference

- Wednesday 8 February 2017, 9.30 am – 3.3 pm Crumlin Road Gaol, Belfast

28th Colmcille Winter School

- Friday 24 and Saturday 25 February 2017, Colmcille Heritage Centre, Gartan, Church Hill, Letterkenny, Co. Donegal

Northern Ireland Housing Conference 2017 – Delivering Effective Housing Solutions

- Wednesday 22 March 2017, 8.30 am – 1 pm Titanic Centre, Belfast

Northern Ireland's Futures – Scenarios for Leaving the EU

- Thursday 30 March 2017, Baby Grand, Grand Opera House, Belfast

PFNI – Economic Development in NI: Key Challenges and Future Opportunities Post Brexit

- Tuesday 25 April 2017, 8.30 am – 1 pm, Belfast

The Head of Democratic Services tabled an additional conference as undernoted and sought approval for one member of staff to attend and any Member should they wish to do so.

NILGA – Investing in your Community, Local Council Finance and Investment Event

- Friday 24th February 2017 at Tullyglass House Hotel, Ballymena

Conference & Seminar	Date	No. of Attendees	Location	Attendance Fee (Yes/ No)
Freight Transport Association Conference	15 th March	2	Culloden Hotel Cultra	£265 + vat + £225 + vat + mileage
CIPD NI Employment Law Conference	30 th	4	Hilton Hotel Templepatrick	£75 + vat each (early bird rate) X4 = £300+ mileage
Cleaner Neighbourhoods Conference	7 th March	1	QUB Belfast	£85 + travel
Scottish Food Enforcement Partnership Event - (Implementation of Mandatory FHRS)	26 TH	1	Cumbernauld Scotland	No cost Travel only
Implementing the Strategic Planning Policy Statement	1 st February	4	Belfast	£40 each + travel
Fire Safety Conference	9 & 10 Feb	2	Enniskillen	£250 + vat per delegate
Health & Safety Conference	22 nd February 17	Up to 5	Belfast	No cost Travel only

Proposed by Councillor Bateson
Seconded by Councillor Mallaghan

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

C10/17 Consideration of Requests for Civic Recognition

The Head of Democratic Services drew attention to the previously circulated report and sought approval for civic recognition for those groups and individuals listed in line with council Receptions Policy.

The Chair, Councillor Wilson also requested that Members accept a request for civic recognition for Rainey Ladies Hockey team who won the senior cup.

Proposed by Councillor McKinney
Seconded by Councillor Cuddy

Resolved That approval be given to submitted requests for civic recognition.

C11/17 LAMA Community and Council Awards

The Director of Culture and Leisure drew attention to the previously circulated report to seek Members' approval to attend the award ceremony of the LAMA Community and Council Awards to be held on the Saturday 4 February 2017.

Councillor Ashton stated that although it was great that the Seamus Heaney Homeplace had been nominated for the award, there was no guarantee that the centre would win.

Proposed by Councillor Ashton
Seconded by Councillor McLean

That the Chair and Deputy Chair would be suffice to represent Council at the event.

In response, the Chief Executive stated that due to the uniqueness of the award ceremony, the fact that the Seamus Heaney HomePlace was the only project from Northern Ireland to be nominated and that Council was endeavouring to raise the profile of the Centre especially in the Dublin area he had agreed to the proposed party in the report. He also stated that the centre would not be in line for the award if it had not been for the nominating Councillors and it was on this basis that the proposal was put forward. He emphasised that in normal circumstances he would agree the Chair and Deputy Chair would be suffice.

Proposed by Councillor McGinley
Seconded by Councillor T Quinn

That attendance at the award ceremony for the LAMA Community and Council Awards 2017 be attended to by the Council Chair, Vice Chair two nominating Councillors and one Officer.

The Chair, Councillor Wilson called for a vote on Councillor Ashton's.

FOR 9
AGAINST 22

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

FOR 22
AGAINST 6
ABSTAINED 3

The Chair, Councillor Wilson declared that Councillor McGinley's vote be carried.

Resolved: That approval be given for the Council Chair, Vice Chair and two nominating Councillor and one officer to attend the award ceremony for the LAMA Community and Council Awards 2017.

Matters for Information

C12/17 Consultations notified to Mid Ulster District Council

The previously circulated paper on consultations notified to Mid Ulster District Council was noted.

In response to Councillor Monteith's query as to the mechanism for deciding if a corporate consultation response should be made the Chief Executive stated that many consultations are notified and Officers sift through these to select which ones require a corporate response. He further stated that should a Member wish a corporate response to be prepared for any other consultation these would be done so request. Councillor Monteith stated that since Council was re-establishing the anti-poverty network a corporate response should be prepared for the 'Private Rent Consultation'.

Councillor Clarke stated that it was important for Council to submit a response regarding the Department of Infrastructure consultation paper on proposals to amend permitted development right in respect of mineral exploration. In response the Chief Executive stated that he would follow up with Planning Manager and advised that a copy of the response would be forwarded to Members for comment and subsequently submitted as the closing date would be prior to next meeting.

Councillor Monteith stated that it would be helpful if a column was added indicating if Council was preparing a response.

Resolved: That the consultations contained within the previously circulated report be noted and

- (i) Consultation paper on proposals to amend permitted development rights in respect of mineral exploration – Council to make a response and circulate to Members as closing date is prior to next meeting;

- (ii) A response be prepared regarding consultation on proposals for a change in the Private Rented Sector in Northern Ireland;
- (iii) A column to be added in report to indicate if corporate response is being prepared.

C13/17 Correspondence

The previously circulated paper on correspondence to Council was noted.

Resolved: That the correspondence contained within the previously circulated report was noted.

Councillor Mulligan left the meeting at 7.15pm

C14/17 Consideration of Motions

C14.1/17 Councillor Molloy to move

Councillor Molloy stated that every week, he like many fellow councillors, witness dozens of applications for Irish passports and passport renewals. He stated that the last 10 years had seen the population of Mid Ulster and particularly South and East Tyrone rise significantly with the migrant labour that came into the area, bringing a young dynamic workforce who have settled and married to raise families and now see themselves as Irish citizens in their own right.

The Councillor continued stating that emergency appointments for those in need of a passport or a renewal at short notice are limited and at peak times can be extremely difficult to obtain and often requires travel to Dublin city centre at an early hour yet if the facility was available in Mid Ulster region it would also be convenient for people from further afield such as Gweedore or Ballycastle. Councillor Molloy highlighted Mid Ulster's geographical advantage of being best placed to be accessed not only from the nine counties of the province of Ulster but the whole north west of the country highlighting areas such as Sligo, Leitrim and Longford having a viable option to travel to Mid Ulster rather than to Dublin City Centre.

In conclusion Councillor Molloy reflected on the surge in Irish passport applications due to the Brexit vote which awakened many to take advantage of the option open to those eligible to avail of Irish citizenship, a birth right constitutionally guaranteed under the Good Friday agreement. Councillor Molloy called on the Council to support the undernoted motion and establish what could be a progressive ground breaking initiative for Mid Ulster which would bring to the people of the district and beyond a service which is in huge demand support

"Given the recent growth in applications to the Irish passport office and given the strategic geographical location of Mid Ulster that this Council write to Charlie Flanagan TD as the Minister for Foreign Affairs and Trade requesting he consider the possibility of locating a Passport Office within the Mid Ulster region".

Councillor Mallaghan seconded the motion stating that it would be a good initiative and would increase the connections between north and south and further add to the initiatives achieved through the Joint North/South Ministerial Council and other organisations such as Waterways Ireland and Tourism Ireland. He further stated that since the Brexit vote the connections are more important than ever.

Councillor M Quinn concurred with Councillor Molloy's comments and stated that the SDLP party would support the motion as there was a clear need for a passport service in the North of Ireland especially now to meet the surge of demand as people seek to protect their European citizenship. He referred to a meeting which Council requested last year with the Irish Foreign Minister and stated that although the meeting request had not been met Officers should yet again seek a meeting with a proposed passport office included on the agenda, especially with Brexit and the threat of a hard border looming.

Councillor McLean stated that as far as he was aware people could apply for an Irish passport online and welcomed the earlier comments of both the Sinn Féin and SDLP parties that they now accepted the Brexit vote and concluded stating that the Irish Foreign Minister had not granted Mid Ulster Council a meeting as the Irish Government had no interest in the region.

Councillor Monteith stated he would support the motion and emphasised that there was serious lobbying in the Dáil by a number of TD's to get services out around the regions and thus the Notice of Motion is quite timely. He stated that Council should request it as soon as possible as other Towns may wish to lobby for the service.

Councillor Cuthbertson stated this was yet another silly grandstand motion and that he would vote against it.

Councillor Cuddy stated that any Member has a right to bring a notice of motion but that the Council needed to assess the possibility as technology advanced there would be less people involved in the passport process. He emphasised the need to explore costs as the Irish Passport Office may bring their own staff and infrastructure and thus there would be no great benefit to Mid Ulster and there was no logic as to why they should select the region to host an office and indeed it was naïve to think passports would be produced on site.

Councillor McPeake expressed surprise at the reluctance of the Unionists as Sinn Féin local constituency offices were inundated with requests for Irish passport forms to be signed and suggested that Unionist think how accommodating it would be if there was an office in Mid Ulster.

Councillor McNamee stated as a point of clarity that you could not apply for an Irish passport online and emphasised that in the past the closest availability to passport express had been Monaghan but this service had now come to the North.

Councillor Bell stated that it was fortunate that Sinn Féin had TDs in the Dáil who were well placed to drive forward the passport campaign.

Councillor Molloy in closing thanked all Members for their contributions to the debate. He stated that the motion was not about grandstanding nor was the issue silly or trivial but was an issue which concerns many of the citizens of the district. He stated that the motion was submitted in order and, in line with Standing Orders on motions, and was an issue which directly affects the citizens of Mid Ulster district and as such he looked forward to seeing progression on the matter.

FOR 22
AGAINST 11

The Chair, Councillor Wilson declared the motion carried.

Confidential Business

Proposed by Councillor Monteith
Seconded by Councillor Mallaghan

Resolved: That items C15/17 – C23/17 be taken as confidential business.

C24/17 Duration of Meeting

The meeting was called for 7pm and ended at 8.20pm

CHAIR _____

DATE _____

C

Minutes of Special Meeting of Mid Ulster District Council held on Monday 13 February 2017 in the Council Offices, Circular Road, Dungannon

Members Present: Councillor Wilson, Chair

Councillors Ashton, Bateson, Bell, Buchanan, Burton, Cuddy, Cuthbertson, Elattar, Forde, Gildernew, Gillespie, Glasgow, Kearney, Mallaghan, McAleer, McEldowney, McFlynn, McGinley, B McGuigan, S McGuigan, McKinney, McLean, McNamee, McPeake, Molloy, Monteith, Mulligan, O'Neill, M Quinn, Reid, Robinson, G Shiels and Totten

Officers in Attendance: Mr A Tohill, Chief Executive
Ms Campbell, Director of Culture and Leisure
Ms Canavan, Director of Organisational Development
Mr Cassells, Director of Environment and Property
Mrs Forde, Member Support Officer
Mr Kelso, Director of Public Health and Infrastructure
Mr McCreesh, Director of Business and Communities
Ms Mezza, Head of Communications
Mr JJ Tohill, Director of Finance

The meeting commenced at 7 pm.

SC8/17 Apologies

Councillors Mullen, T Quinn and J Shiels

SC9/17 Declarations of Interest

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

SC10/17 Chair's Business

None

Matters for Decision

SC11/17 Minimum Revenue Provision Policy

The Director of Finance drew attention to the previously circulated report regarding the 2017/2018 Minimum Revenue Provision Policy and sought approval that the policy as detailed in year 2016/17 be retained for the incoming year.

Proposed by Councillor Cuddy
Seconded by Councillor S McGuigan and

Resolved That the 2016/17 Minimum Revenue Provision Policy be retained for year 2017/18.

SC12/17 Robustness of the Estimates

The Director of Finance drew attention to the previously circulated report on the robustness of the Rate Estimates for 2017/18 and drew attention to key issues outlined in the report. The Chief Executive stated that Members may wish to reflect on this in light of discussion of the rates estimates.

Resolved That the report and associated comments of the Director of Finance in relation to the robustness of the rates be noted

SC13/17 Adequacy of Council's Reserves for 2017-18

The Director of Finance drew attention to the previously circulated report on the adequacy of Council's reserves drawing attention to the key issues outlined in the report.

Resolved That Members note the report Adequacy of Council's Reserves for 2017/18

SC14/16 Estimates of Income and Expenditure for financial year 1 April 2017

The Director of Finance drew attention to the previously circulated report regarding the Estimate of Income and Expenditure for financial year 1 April 2016/2017 and highlighted the key issues contained within it.

In summary the Director of Finance advised that in adopting the officers' recommendation that Council strike district Rates reflecting increases of 1.46% (domestic) and 1.7% (non-domestic) from the district Rates struck in relation to the financial year 2017/18, Council would also be approving:

- (i) The recommendation made by the Policy and Resources committee at its meeting held on 9 February 2017 that Council adopt a Minimum Revenue Provision (MRP) policy identical to the 2016/17 policy;
- (ii) The authorisation of expenditure in the amount of £40,288,641;
- (iii) The recommendation made by the Policy and Resources Committee at its meeting held on 9 February 2017 that Council accept the officers' recommendation that the Rate estimates be based on the assumption that council will ultimately receive £2,891,400 (being 15.8% of £18.3million) Rate Support Grant (RSG);
- (iv) A non-domestic rate of 23.5369 in 2017/18; and;
- (v) A domestic district rate of 0.3126 in 2017/18.

The Chair, Councillor Wilson sought Members comments.

Councillor Ashton referred to the Policy and Resources Committee and the accusation made against herself by Councillor McPeake when he had accused her

of grandstanding because she had not wanted her name against a recommendation coming to Council that would have indicated that she supported proposed rates and had reminded her of coming to Council seeking funding for an additional project during the year. Councillor Ashton reminded the meeting Sinn Féin wanted an Irish Language Act but had no figures that the regional rate could not be struck as they would not agree a budget for Northern Ireland and thus Council could not finalise their budget. She stated not everyone would agree with her and likewise she would not agree with everyone but she had always shown respect.

Councillor Ashton stated she had come to Council with an additional project and would make no apology for it but emphasised that she had come with facts and figures and it created an additional 0.02% of Council revenue budget which was 'crumbs off the table'. Councillor Ashton stated she would make a proposal on behalf of the DUP that Council have a 0% rise which would reflect a 0% increase on the 2106/17 rate. This would necessitate the rate estimates being reduced by £540k. She further suggested that the estimated temporary savings of £467,002 electricity and oil savings be ring-fenced together with £212,345 (previously the aggregate of £219,347 and £500,000 reduced by £540,000) for opportunities/threats referred to in the supporting papers be transferred into reserves until required. The Councillor noted that there was already £3.2million (net of £700k reserved for Economic Development expenditure) in reserves which had arisen from in-year surpluses in 2015/16. She made further mention of the fact that within the previously circulated report there had been a reference to the prudent utilisation of 'in year' surpluses and concluded that Senior Management were therefore anticipating further surpluses in the current year (2016/17). Councillor Ashton sought the respect of Members which she herself had shown from first becoming a Councillor in 2011.

Proposed by Councillor Ashton

That Council strike a district rate which reflects 0% increase on the rate struck in 2016/17.

Councillor McLean seconded the proposal.

Councillor McPeake referred to Councillor Ashton's proposal and stated that Council had tabled an ambitious community plan and capital projects and if we go down the route of a 0% rise in rates none of the projects could be realised. He also mentioned joint projects which had been discussed with the Northern Ireland Assembly and that the direction of travel was that of partnership to realise major projects. He stated that to realise major projects a significant amount of money would be required and Council should not 'hamstring' itself emphasising that without significant budget Council could not deliver its plans. In addition to the rate suggested by officers Councillor Peake proposed an additional £120k added to capital costs to realise the ambitions set by Council.

The Chair, Councillor Wilson clarified that the proposal.

Proposed by Councillor McPeake

That in addition to the expenditure included within the Rate estimates proposed by officers totalling £40,288,641, an additional £120k be added to fund capital projects.

Councillor Mallaghan stated that it was vitally important to have adequate reserves and referred to the project Councillor Ashton had requested support for. He stated that Councillor Ashton was right to 'fight' for the project and acknowledged her diligence with regard to figures and the fact that her calculator was always with her. He acknowledged the project and stated to support such projects Council needed the money to build on its infrastructure.

Councillor Mallaghan seconded the proposal of Councillor McPeake.

Councillor McGinley stated he was not at the Policy and Resources committee but as a member of the Environment committee he acknowledged Council was committing to an ongoing piece of work in relation to signage and the launch of both the Ulster Scots and Irish Language policy and proposed he would augment Councillor McPeake's proposal in the amount of an additional £70k to provide additional funding for Regional and Minority languages.

Proposed by Councillor McGinley

That in addition to the extra £120,000 proposed by Councillor McPeake, Council would add a further £70,000 to the expenditure included within the Rate estimates to provide additional funding for Regional and Minority languages.

Councillor McFlynn stated that Councillor Ashton had been diligent in her quest for the project which had been supported by Council and emphasised that Members needed to be realistic people attended community planning and wanted to see projects realised. The Councillor stated although the SDLP would like to support a 0% rise in rates it was not realistic people wanted to see improvements.

Proposed by Councillor McFlynn

That Council grant approval to a 1.46% rise in district domestic Rate and 1.47% rise in the district non-domestic Rate as recommended by Officers.

Councillor Kearney stated the SDLP had discussed the proposals with the Director of Finance and acknowledged that to make improvements and also being mindful of uncertainties such as Brexit the rate proposed by officers was appropriate.

Councillor Kearney seconded Councillor McFlynn's proposal.

Councillor Cuddy referred to the two proposals for additional funding and sought an adjournment to permit officers to report on the impact such additions would have on the rate.

Councillor McLean acknowledged the input and diligence of Councillor Ashton stating that she was the DUP person for figures. He stated that the proposal made

was one they could stand over and made reference to the discussions surrounding the striking of the rates in recent weeks. Being mindful that he had not been in attendance in 2016 when the rate had been struck he stated it appeared the same 'bullyboy' tactics were being applied and again it would be railroaded through. Councillor McLean was emphatic that his party was both fed up and scundered with the behaviour of Sinn Féin who were always shouting about deprivation yet were adding an additional burden on the rates.

Councillor S McGuigan stated that the additions proposed would bring the percentage increase to 1.98% and emphasised that Council needed to look beyond one year and that gradual small increases were better than a large hike in rate down the line. He emphasised that Council needed to be conscious of what might happen over the next few years.

Councillor Monteith sought clarification in relation to whether the Officers saw the need for Councillor McPeake's proposal to increase the expenditure included within the Rate estimates by £120k proposal to fund capital projects. In response, the Chief Executive stated that the Officers had put forward what they think will be required but the question was if Council wanted to support the proposed £60m capital programme which was currently under consideration how would they propose funding the £39m of costs which had been identified as not being supported by grant funding.

The Director of Finance advised that the capital value of an average house in the district had previously been defined by Land and Property Services as being valued at £125k. He stated that if Council accepted the officers' recommendations and struck a district Rate which reflected a 1.46% increase from the Rate struck in 2016/17, the district rates payable in relation to that property (pre any rates convergence relief that might be available to the rate payer (residents of the former Dungannon and South Tyrone Borough Council district)) would rise by £5.63 per annum from the amount payable in 2016/17. He further advised that if Council struck a rate which reflected a 1.98% increase, the increase in district rates payable would be increased by a further £2 per annum.

Councillor Cuthbertson stated that under the three year rate relief system the legacy Council of Dungannon would be facing an additional rise in what they would pay.

The Chair, Councillor Wilson adjourned the meeting at 7.31pm

The Chair, Councillor Wilson resumed the meeting at 7.42pm.

Councillor McGinley stated his party had put forward two proposals as they wanted to continue the progressive work Council had engaged in. Referring to the proposal of 0% he stated this was unrealistic but in the light of being accused of railroading decisions Sinn Féin would withdraw their two proposals and support the rate suggested by officers. Councillor McGinley stated that he hoped this would be seen as effective communication, discussion and dialogue.

Proposed by Councillor McGinley

That Council strike a district Rate increase as proposed by the officers, i.e. to reflect a 1.46% increase (from 2016/17) for district domestic Rate and 1.47% increase (from 2016/17) for district non-domestic rate.

In response to clarification sought by the Chair, Councillor Wilson, Councillor Kearney stated he was happy for Councillor McGinley to make the proposal.

In response to Councillor Cuthbertson's request the Director of Finance explained that rates convergence relief was a discount applied to the rates bills of rate payers in legacy district council areas where their pre local government reform district Rate was significantly lower than the converged Rate. The rates convergence relief scheme was a four year scheme with discounts of 80%, 60%, 40% and 20% in the years 2015/16 to 2018/19. Within the Mid Ulster District Council area only rate payers from the former Dungannon and South Tyrone Borough Council district qualified for relief. The relief applicable to domestic properties with a capital value of £125,000 was approximately £18 in 2015/16 and approximately £9 in 2017/18. The Director explained that the quantum of what was being discounted was the difference between the old legacy Rate and the new converged Rate at the point of amalgamation but it did not apply to any subsequent Rate increase within the new Council.

Councillor McKinney stated that the UUP believed a zero rise was obtainable due to the reserves and reported savings in fuel and electricity together with the grant aid attained for the Heaney Homeplace.

The Chair, Councillor Wilson outlined the two proposals

Proposal One

That Council agree a 1.46% rise in the domestic rate and 1.47% rise in the non-domestic rate.

Proposal Two

That Council agree a zero % rise in the rate.

The Chair Councillor Wilson called for a vote on Proposal One

For	20
Against	14

The Chair, Councillor Wilson called for a vote on Proposal Two

For	14
Against	20

The Chair, Councillor Wilson declared proposal one to be carried.

Resolved That Council confirm:

- (i) Adoption of the recommendation made by the Policy and Resources Committee at its meeting held on Thursday, 9 February 2017 that Council adopt a Minimum Revenue Provision (MRP) policy in 2017/18 identical to its 2016/17 policy;
- (ii) The authorisation of expenditure for 2017/18 in the amount of £40,288,641;
- (iii) Adoption of the recommendation made by the Policy and Resources Committee at its meeting held on Thursday, 9 February 2017 that Council accept the officers' recommendation that the Rate estimates be based on the assumption that Council will ultimately receive £2,891,400 (being 15.8% of £18.3million) Rate Support Grant (RSG);
- (iv) A non-domestic rate of 23.5369 for 2017/18; and
- (v) A domestic district rate of 0.3126 for 2017/18.

Confidential Business

Proposed by Councillor Mallaghan
Seconded by Councillor Kearney and

Resolved That items SC14/17 be taken as confidential business.

The press left the meeting at 7.52pm

Councillors McAleer and Monteith left the meeting.

SC16/17 Duration of Meeting

The meeting was called for 7.00pm and ended at 8.50pm

CHAIR _____

DATE _____

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Minutes of Meeting of Planning Committee of Mid Ulster District Council held on Tuesday 7 February 2017 in Council Offices, Ballyronan Road, Magherafelt

Members Present

Councillor Clarke, Chair

Councillors Bateson, Bell, Cuthbertson, Glasgow, Kearney, Mallaghan, McAleer, McEldowney, McKinney, McPeake, Mullen, Reid, Robinson, J Shiels (7.04pm)

Officers in Attendance

Mr Tohill, Chief Executive
Dr Boomer, Planning Manager
Mr Bowman, Head of Development Management
Ms Doyle, Senior Planning Officer
Mr Marrion, Senior Planning Officer
Mr McCrystal, Senior Planning Officer
Ms McCullagh, Senior Planning Officer
Ms McEvoy, Head of Development Plan & Enforcement
Ms McKearney, Senior Planning Officer
Nora Largy, Council Solicitor
Una Mullen, Council Solicitor
Miss Thompson, Committee Services Officer

Others in Attendance

Applicant Speakers

I/2014/0399/F	Mr Ward
	Mr Ross
LA09/2015/1239/F	Ms Jobling
LA09/2016/0848/O	Mr Cassidy
LA09/2016/0997/F	Mr Cassidy
LA09/2016/1032/O	Councillor S McGuigan
	Mr Gourley
LA09/2016/1034/F	Councillor D Molloy
	Ms Muldoon
LA09/2016/1583/O	Mr Cassidy
LA09/2016/1599/O	Mr Cassidy
LA09/2016/1739/A	Mr Cassidy

The meeting commenced at 7.03 pm

P014/17 Apologies

None.

P015/17 Declarations of Interest

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

Councillor Glasgow declared an interest in planning application I/2014/0399/F and requested speaking rights for this application.

P016/17 Chair's Business

Councillor J Shiels entered the meeting at 7.04 pm

The Planning Manager advised that as the Council Solicitor was now on maternity leave arrangements had been put in place with Belfast City Council to provide legal advice at planning committee meetings and welcomed Nora Largy and Una Mullen to tonight's meeting.

The Planning Manager referred to recently received consultation from Planning Appeals Commission in relation to examination of Local Development Plans. The Planning Manager advised that he had a couple of concerns in relation to the consultation with regard to the following –

Soundness – Planning Commission suggests that onus should be on objectors to say why soundness had not been met. The Planning Manager suggested that Council reply stating that this is not made so onerous as to rule out valid representations because the person making the representation does not understand the tests in relation to soundness.

Representations from Agents – The Planning Manager suggested that the Council should advise that unjustified representations such as those which object to every policy or proposal in a plan and/or every other representation should be ruled out on the grounds of soundness.

The Planning Manager advised that as the timeline for response to this consultation was before the next Planning Committee meeting he requested that the committee delegate power to himself to reply to the consultation with the comments as above.

The Chief Executive advised that the consultation response should be brought to February Council meeting.

Proposed by Councillor Mallaghan
Seconded by Councillor McPeake and

Resolved That Council submit response to Planning Appeals Commission consultation highlighting the concerns in relation to soundness and representations prior to deadline. This item to be brought to February Council meeting and should Members then decide to withdraw the Council response it can do so.

Councillor McPeake asked if there was any update in relation to concerns he had raised at a previous meeting in relation to untimely response times from Roads Service.

The Planning Manager advised that he had met with the Divisional Roads Manager in the past week and had raised the concerns in relation to response times to

consultations particularly over the summer months and reminded Roads Service of their statutory duty. The Planning Manager advised that the Divisional Roads Manager recognised that there had been issues in relation to response times over the summer period and that assurances were given that Roads Service were endeavouring to make their response within 21 days and that in 70% of cases they were doing so. It was hoped that any backlog to responses should be cleared within the next week.

P017/17 Confirm Minutes of the Planning Committee Meeting held on Monday 9 January 2017

Proposed by Councillor Reid
Seconded by Councillor Kearney and

Resolved That the minutes of the meeting of the Planning Committee held on Monday 9 January 2017, (P001/17 – P009/17 & P013/17), were considered and, subject to the foregoing, signed as accurate and correct.

Matters for Decision

P018/17 Planning Applications for Determination

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

I/2014/0399/F Wind turbine, blade to tip height of 92.5m, to compliment approval I/2010/0211, at Beltonanean Mountain, Cookstown for Mr Graham Bell

Ms McCullagh (SPO) presented a report on planning application I/2014/0399/F advising that it is recommended for refusal.

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

Mr Ward stated that he lived at 8 Beltonanean Road with his wife and family and that the rear of his property, which is the main living area, would face the direction of the wind turbine. Mr Ward questioned the effect this turbine would have on his family and the amenity of their property. Mr Ward commented that Beltonanean Mountain was one of the last mountains in the area not to have a wind turbine situated.

Mr Ward referred to previous application for a wind turbine at a nearby location which went to appeal and advised of site visit made by Planning Appeals Commission. Mr Ward advised that the appeal made in relation to the previous application was subsequently dismissed and referenced the impact that application would have on his property.

Mr Ward expressed his concern on the effect the granting of this wind turbine and any further wind turbines would have and felt there would be a generational impact as families would move away from the area. Mr Ward appealed to Members to refuse this application for the sake of his family.

Mr Ross, agent for the applicant stated that he felt the reasons for refusal were weak and advised that the proposed location for the turbine was a farmed hill and was not a highly sensitive area. Mr Ross advised that the proposed turbine would indeed be located to the rear of 8 Beltonanean Road but would be some 860m from the property and stated that there was already an approval for a turbine which is closer to the same property. Mr Ross stated that he felt it was unreasonable to refuse the application based on amenity and that consultees had not reported any issues. Mr Ross advised that the applicant had made a fair application which was for green energy.

Councillor Glasgow advised he was speaking on behalf of the applicant and that he would be in support of the application. Councillor Glasgow referred to Beltonanean Mountain as a farming mountain and not a tourist area and questioned the amount of money Beltonanean Mountain attracts as a tourist location. Councillor Glasgow stated he understood the concern of objectors but felt that the application would blend into the mountain and would create valuable green energy. The Councillor also reminded Members that consultees had not objected to the application.

Councillor Glasgow withdrew to the public gallery.

Councillor Mallaghan stated that it was incumbent upon Council to protect the Sperrins and referred to the remarks made that the ground is used for farming. Councillor Mallaghan advised he would expect this in an AONB and would propose the officers recommendation to refuse the application.

Councillor Cuthbertson asked if this application was being jeopardised because there was an additional wind farm application.

The Planning Manager advised that this application was not being refused because of another application but that it was important for Members to be aware of other applications which the officer had highlighted in their report. The Planning Manager advised that Members should not give determining weight to an undetermined application and should not assume it will be approved.

Councillor Cuthbertson advised that the reason he made the comment was because there was a perception that it was easier to get a wind farm approved than a single turbine.

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

Councillor Reid asked if wind farms and single turbines were considered under different policies. The Councillor also asked when the area was declared an AONB when there was a wind turbine which had already been approved.

The Planning Manager advised that the Sperrins were declared an AONB in 1968.

Councillor Reid asked that being the case, why a turbine had already been approved.

Ms McCullagh advised that SPPS had been introduced since last approved application.

The Planning Manager advised that wind farms and single turbines were both considered within the same policy, he stated that while there may be a perception that it was easier to get a wind farm approved this was not a reality. The Planning Manager advised that every application would be considered on its own merits.

Councillor Reid asked why NIEA had come back with no objections when they would be the body responsible for AONBs.

The Planning Manager advised that Council determine the outcome of an application, not NIEA, he stated that in relation to natural heritage, NIEA had looked at the impact of the application on wildlife and were satisfied that there would be no detrimental effects on upper Ballinderry River.

Councillor McKinney proposed the approval of the application.

The Planning Manager asked Councillor McKinney if he appreciated the height of the proposed turbine.

Councillor McKinney advised that he did appreciate the height of the turbine and referred to the proximity and overlooking some houses have to each other within towns.

Councillor McElDowney questioned why the applicant needed a second turbine.

Councillor Robinson seconded Councillor McKinney's proposal.

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

For – 9

Against - 5

Resolved That planning application I/2014/0399/F be refused on grounds stated in the officer's report.

Councillor Glasgow left the meeting at 7.45 pm

**M/2014/0596/F Erection of single wind turbine and associated cabinets
435m NE of 14 Culkeeran Road, Moy for Mr Adrian
McMullan**

The Chair, Councillor Clarke asked Members to note addendum to planning agenda in relation to this application which read –

The description of the development should read 'Erection of single wind turbine and associated cabinets.'

The revised proposal has been re-screened against Planning EIA Regulations (NI) 2015.

The following condition should be attached to any permission 'One turbine only shall be erected within the area of the site identified in red on drawing No 01 Rev 1 24 Nov 2016. Reason: This turbine is in substitution for M/2012/0432/F and is not for an additional turbine.'

Application listed for approval subject to conditions as per the officer's report and as above.

Proposed by Councillor J Shiels
Seconded by Councillor Kearney and

Resolved That planning application M/2014/0596/F be approved subject to conditions as per the officer's report and as listed above.

M/2014/0599/F Substitution of single wind turbine approved under planning permission M/2011/0465/F with a single wind turbine measuring 40m to hub with 27m blade length, including associated electricity cabinets 262m SW of 39 Culkeeran Road, Moy for Mr Brian McLean

The Chair, Councillor Clarke asked Members to note addendum to planning agenda in relation to this application which read –

The description of the development should read 'Substitution of single wind turbine approved under planning permission M/2011/0465/F with a single wind turbine measuring 40m to hub with 27m blade length, including associated electricity cabinets.'

The revised proposal has been re-screened against the Planning EIA Regulations (NI) 2015.

Application listed for refusal on grounds listed in officer's report.

Proposed by Councillor Mallaghan
Seconded by Councillor McKinney and

Resolved That planning application M/2014/0599/F be refused on grounds stated in the officer's report.

LA09/2015/1092/F Dwelling approx. 30m W of Castledawson Open Farm, 46 Leitrim Road, Castledawson for Mr Martin McMullen

Application listed for approval subject to conditions as per the officer's report.

Proposed by Councillor Bateson
Seconded by Councillor Bell and

Resolved That planning application LA09/2015/1092/F be approved subject to conditions as per the officer's report.

LA09/2015/1239/F Variation of condition 6 of previous approval (H/2007/0546/F) to vary the hours of operation to Mon-Fri 5am to 10 pm and Sat 5am to 3pm at Blackpark Road, Toomebridge for Creagh Concrete Products Ltd

Councillor Glasgow rejoined the meeting at 7.50 pm

Mr McCrystal (SPO) presented a report on planning application LA09/2015/1239/F advising that it is recommended for refusal.

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

Ms Jobling asked the committee to approve this application as it would mean operatives could remove moulds from dry pre cast concrete in the morning and carry out quality control checks in the evening, meaning the company could work at maximum efficiency. Ms Jobling understood that the company had brought about the breach of conditions but had lodged this application to remedy the situation, she advised that the company had worked hard to rebuild itself following the downturn in the building trade and spoke in relation to the numerous contracts the company had won and the clear economic need for the variation in hours to guarantee jobs and any future contracts. Ms Jobling stated that the variation in hours would not affect local residents.

It was noted that Councillor Bell had not been present in the meeting for the entire presentation of this application and could therefore not take part in any debate/vote relating to it.

Councillor Mallaghan referred to the evidence provided in relation to contracts awarded and guarantee of jobs which had only come to light tonight. The Councillor felt that there were only a small number of objections and if the application was not granted it would have a detrimental effect on the company by not being able to deliver on contracts and provide security of employment.

Councillor Reid felt that given the evidence which had come to light he would propose the approval of the application.

Councillor Bateson stated he would second Councillor Reid's proposal to approve the application and was surprised more objections had not been received given that the application site was located within a built up area. Councillor Bateson felt that an economic case of need had been put forward in relation to the viability of the company.

Councillor McKinney declared an interest in this application and requested to speak on it.

Councillor McKinney stated that he believed that the statements made by the agent in relation to the application and the future viability of the company to be true.

Councillor McKinney withdrew to the public gallery.

The Planning Manager advised that the application was before Members tonight as the company had wanted a decision to be made on it. The Planning Manager stated that the pertinent issues of the application related to noise and disturbance and he felt that the conditions suggested by Environmental Health were not sufficient enough. The Planning Manager suggested that the application be deferred for noise assessments to be carried out and allow for Council to specify what noise levels are acceptable as part of conditions.

The Chair, Councillor Clarke asked Members if they were prepared to defer the application.

Councillor McPeake stated he would propose that the application be deferred but had concerns that other issues were being brought into consideration.

Councillor Reid asked what time delay would be involved in a deferral.

Councillor Mallaghan stated he thought the conditions in relation to noise could be attached to an approval of the application.

The Planning Manager advised that the applicant was currently in breach of a condition notice and that Council could move to Court at any moment. The Planning Manager suggested that Councillors could give an instruction not to move to Court during deferral.

The applicant advised Members of a meeting taking place the next day in regard to the award of a further contract on which a decision on the variation of hours would depend.

Councillor Mallaghan expressed concern that deferral of the application would create additional problems and that it appeared to be the general feeling amongst Members that the variation of hours should be allowed.

Councillor Glasgow stated he would not support the deferral of this application.

Councillor McAleer asked for clarification in relation to conditions cited by Environmental Health.

The Planning Manager advised that the conditions cited by Environmental Health did not meet legal requirements and therefore would not be enforceable. The Planning Manager reminded Members that the applicant had broken the conditions of their previous approval and again suggested that this application be deferred to enable a solution to be found regarding noise that was both workable and enforceable. The Planning Manager further suggested that during this deferral it would not be expedient for Council to push forward regarding enforcement of breach.

Councillor Mallaghan commented that this could not be the only business within Mid Ulster that starts operations at 5am and is in close proximity to residential property.

Councillor Reid stated that his previous proposal was to approve the application outright but would amend this to allow for conditions in relation to noise to be attached.

The Planning Manager stated that the argument in relation to jobs being lost was erroneous.

Council Solicitor advised that the solution offered by the Planning Manager would allow the business to continue operating as it is at the moment as no action would be taken on breach of condition during deferral meaning there was no urgency in Members taking a decision tonight. The Solicitor urged caution to Members in making a decision that could become subject to challenge.

Councillor Glasgow stated that one of the objectors listed was a business and did not feel a variation of hours would have any detrimental effect on the business. The Councillor also highlighted that none of the objectors had requested to speak on the application nor were in attendance tonight and felt that the only way to overcome the breach of conditions was to approve the application.

The Planning Manager advised that if the Council was challenged by a third party he would not be able to give evidence to state that there were no issues in relation to noise given both a condition had been breached and that a noise abatement order was served by Council.

In response to the Chair's question the Council Solicitor advised she was aware of previous cases of Councillors being surcharged.

Councillor McKinney referred to the success of the company and the manner in which it had built itself up again in recent years.

The Planning Manager stated he understood the feeling of Members that the company was an important business in the area but asked for the chance to seek resolution in relation to noise issues.

Councillor Bateson felt that it appeared the company was being penalised.

Councillor J Shiels left the meeting at 8.30 pm

The Chair, Councillor Clarke clarified that if the application is deferred the company could still continue its business as is at the moment as enforcement would not be expedited until a resolution was sought in relation to noise conditions.

Councillor McPeake stated he would propose this but would prefer that the application is dealt with on its own merit.

The Planning Manager advised that as there was a noise issue outstanding then appropriate consideration needed to be given to noise issues for this application.

Councillor Robinson stated that on listening to the legal opinion given tonight he would propose the deferral of the application. The Councillor stated that whilst he realised the importance of the company it was important to do what is right legally.

Councillor McPeake stated that he would reluctantly agree that the application needed to be considered as a whole package.

Councillor Reid asked how long the deferral would take.

The Planning Manager advised that the matter could be resolved in two months and that during this time no further enforcement action would be taken.

Councillor McPeake proposed that the application be deferred for further consideration of noise issues however he was cautious of links being made to other areas of the business.

Councillor Bateson seconded Councillor McPeake's proposal.

Councillor Robinson agreed with the proposal.

Resolved That planning application LA09/2015/1239/F be deferred to consider Environmental Health conditions relating to noise. No further enforcement action to be taken whilst this is being resolved.

Councillor Reid asked why the application had come before Members tonight when there appeared to be numerous issues outstanding.

Councillor Mallaghan stated that he wanted to record his concern at the manner in which this application had been brought before Members and felt the whole process had been badly handled.

Councillors Reid and Glasgow agreed with the comments made by Councillor Mallaghan.

The Planning Manager advised that the only reason the application was brought before Members tonight was because the company had pushed for it to be put on the schedule.

Ms Mullen – Solicitor left the meeting at 8.50 pm

LA09/2016/0420/F Change of house type to supersede previously approved under H/2006/0806/RM, at approx. 40m E of 16 Rocktown Lane, Knockloughrim for Miranda McManus

Application listed for approval subject to conditions as per the officer's report.

Proposed by Councillor Mallaghan
Seconded by Councillor Bell and

Resolved That planning application LA09/2016/0420/F be approved subject to conditions as per the officer's report.

LA09/2016/0634/O Replacement of existing filling station, shop and car wash an incorporation of mixed use units at 132 Drum Road, Cookstown for Mr Seamus Molloy

Ms McCullagh (SPO) presented a report on planning application LA09/2016/0634/O advising that it is recommended for refusal.

Councillor Mallaghan proposed that the application be deferred for an office meeting.

Councillor Glasgow seconded Councillor Mallaghan's proposal.

Resolved That planning application LA09/2016/0634/O be deferred for an office meeting.

LA09/2016/0730/F Residential development of 120 dwellings (30 detached and 90 semi-detached), associated road accesses, provision of amenity space and associated site works at development lands at 14 Moneymore Road; adjacent and SW of Oakvale Manor; adjacent and NE of Thornhill Avenue between Coolshinney Road and Moneymore Road, Magherafelt for the Johnston family

The Chair, Councillor Clarke asked Members to note addendum to planning agenda in relation to this application which advised that an additional letter of objection had been received since the planning report had been issued.

Application listed for approval subject to conditions as per the officer's report.

Proposed by Councillor Reid
Seconded by Councillor Kearney and

Resolved That planning application LA09/2016/0730/F be approved subject to conditions as per the officer's report.

LA09/2016/0848/O Dwelling and garage at 24m N of Five Mile Straight, Bracaghreilly for Mr Colm Lynn

Mr McCrystal (SPO) presented a report on planning application LA09/2016/0848/O advising that it is 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 advised that the planning department had accepted that the proposal would lie within a cluster but did not accept that it could be associated with a focal point. Mr Cassidy referred to precedent set by other Councils and Planning Appeals Commission who have taken decisions to the contrary. Mr Cassidy advised that the

site is bounded by development to the north and south and requested that the application be deferred.

Councillor Reid proposed that the application be deferred as there appeared to be issues in relation to the ownership of a laneway.

The Planning Manager advised that the laneway issues had been resolved and provided clarification in relation to policy CTY2a.

Councillor McKinney rejoined the meeting at 9.06 pm

Councillor Cuthbertson proposed the officers recommendation to refuse the application.

Councillor McPeake seconded Councillor Reid's proposal to defer the application.

Councillor Cuthbertson did not get a seconder for his proposal.

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

For – 9

Resolved That planning application LA09/2016/0848/O be deferred for an office meeting.

LA09/2016/0905/O Dwelling on a farm at 28 Meenanea Road, Cookstown for Seamus Loughran

Application listed for approval subject to conditions as per the officer's report.

Proposed by Councillor Mallaghan
Seconded by Councillor Robinson and

Resolved That planning application LA09/2016/0905/O be approved subject to conditions as per the officer's report.

LA09/2016/0997/F Relocation of existing approved storage shed and extension of site curtilage for the storage of plant machinery and building materials, 50m E of 47 Ballymoyle Road, Coagh for Mr Martin Loughran

Ms Doyle (SPO) presented a report on planning application LA09/2016/0997/F advising that it is 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 yard and shed are approved for commercial use and advised that the applicant operates a civil engineering business which had continually grown over the years. Mr Cassidy stated that the previously approved

shed had not been built and was now intended to be relocated to allow for the storage of machinery and requested that the application be deferred for office meeting.

Councillor Glasgow felt that as the application was to relocate a shed that was needed to store equipment then he would be happy to approve the application.

The Planning Manager felt that an office meeting was required to ascertain why the shed needs to be relocated outside of the established curtilage.

Councillor Cuthbertson proposed that the application be deferred for an office meeting.

Councillor Bateson seconded Councillor Cuthbertson's proposal.

Resolved That planning application LA09/2016/0997/F be deferred for an office meeting.

LA09/2016/1032/O Erection of dwelling and domestic garage on a farm at land approx. 80m E of 27 Ashfield Road, Ballyscally, Clogher for Mr Dermot McElroy

Mr Marrion (SPO) presented a report on planning application LA09/2016/1032/O advising that it is recommended for refusal.

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

Councillor McGuigan stated that the outcome of the application appeared to depend on how a group of buildings were defined. Councillor McGuigan felt that the applicant had proven that there were an existing group of buildings that could be associated with this application and that a precedent would not be set. Councillor McGuigan stated that approval of this application would ensure that families could continue to live together within a rural community.

In response to Councillor McPeake's question Mr Marrion advised that evidence of when the sheds were built was only received on receipt of request for speaking rights.

The Planning Manager advised that the balance of probability was that the sheds referred to were erected within the timeframe stated in the affidavit submitted. The Planning Manager also referred to judicial review which had been taken on an application in the past and was made based on no reasonable grounds for an exception to policy being made. The Planning Manager also explained difficulties in obtaining a mortgage for a dwelling on a shared laneway.

The Planning Manager asked Mr Gourley to explain the exception in relation to the laneway.

Mr Gourley advised that policy states that, where practicable, a laneway should be obtained from an existing lane but that it did not state it must. Mr Gourley also spoke in relation to the need to move away from a shared laneway for mortgage reasons.

The Planning Manager asked if there were benefits in locating the dwelling as proposed and not further up the lane.

Mr Gourley advised that that proposed site was the best site and was well integrated.

Councillor McKinney spoke of the health and safety issues related to the farm laneways and proposed the approval of the application.

The Planning Manager clarified that it was the view of the committee to approve the application for the following reasons – that the buildings are established, that the site has environmental benefits in relation to its high degree of integration subject to road safety concerns being met and provided vegetation is kept.

Councillor Bell seconded Councillor McKinney's proposal.

The Planning Manager stated that the following conditions should be applied to the approval of the application as follows –

- Retention of vegetation
- Siting of proposal as indicated
- Access and visibility splays
- Curtilage

The Planning Manager referred to Members reliance on planning appeal decisions when focus should be on planning policy.

Resolved That planning application LA09/2016/1032/O be approved with conditions in relation to retention of vegetation, access and visibility splays and curtilage to be attached. Siting of dwelling to also be as indicated.

LA09/2016/1034/F Retrospective application for change of house type from previously approved 2 storey dwelling (M/2014/0295) to 2 semi detached units within the same curtilage at 75 Killyliss Road, Dungannon for Mr G McCann

Mr Marrion (SPO) presented a report on planning application LA09/2016/1034/F advising that it is recommended for refusal.

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

Councillor Molloy advised that the footprint of the proposal is the same as that of the single dwelling approved but that the applicant needed this approval to be changed to two dwellings for economic reasons.

Ms Muldoon advised that the previous approval was for a 4,300sqft dwelling, however due to lack of interest shown this had now been amended to two dwellings. Ms Muldoon advised that the changes to the property were minimal and that the subdivision of the property had no impact on the countryside. Ms Muldoon stated that the size and footprint of the building had been retained and that there were no environmental impacts associated with the application and that the site continued to integrate.

Councillor McKinney clarified that the two houses were no bigger than the one approved.

Ms Muldoon confirmed that the two dwellings are on the same footprint as the approval with minor amendments.

Councillor Bell stated that there was a housing shortage within Mid Ulster which this application was helping to address and on considering the application on its own merits he would propose the approval of the application.

The Planning Manager stated he did not see any policy objection from changing from one to two units and that a conversion argument could fit. The Planning Manager asked if there any environmental impacts on having the two units.

Mr Marrion advised that there was no visual impact however environmental impacts would include two families being located at the site and two septic tanks.

The Planning Manager asked if there was discharge consent for the one septic tank on site.

Ms Muldoon confirmed that discharge consent was in place and stated that she was not convinced that the environmental impact for two dwellings was any greater.

Councillor Bateson seconded Councillor Bell's proposal.

The Planning Manager stated that if sharp practice as associated with this application was to continue it could bring the Council into disrepute.

The Council Solicitor stated that the Committee should consider whether it wanted to condone sharp practice.

The Planning Manager advised that as there was no planning permission for two houses, they were unlawful, however an argument could be made in relation to conversion and on merits a building of the current size had been permitted. The Planning Manager advised that if this application went to planning appeal he did not know what its outcome would be.

Councillor Bateson felt that the Planning Committee could not be held accountable for the sharp practice of the architect.

Councillor Cuthbertson stated that if the committee refused the application the applicant still had other options available to them.

Councillor Bell stated he did not think the applicant had initially went out to seek two dwellings.

Councillor Bateson did not feel the overall impact of two dwellings would be adverse.

The Council Solicitor advised that whilst general ambiguity is in favour of development as this application was being looked at under PPS21 there should not be development unless requirements for PPS21 are met.

The Planning Manager advised that the application fails the policy test and legal advice is of the same opinion. The Planning Manager stated that he had not heard any reasoned argument why an exception should be made with this application.

Councillor Bell stated that on those grounds he would withdraw his proposal to approve the application and would now propose that the application be deferred for an office meeting.

Councillor Reid seconded Councillor Bell's proposal.

Resolved That planning application LA09/2016/1034/F be deferred for an office meeting.

LA09/2016/1097/O Site for infill dwelling and garage at 30m E of 30 Leitrim Road, Castledawson for Cherith Rea

Application listed for approval subject to conditions as per the officer's report.

Proposed by Councillor Reid
Seconded by Councillor McPeake and

Resolved That planning application LA09/2016/1097/O be approved subject to conditions as per the officer's report.

LA09/2016/1187/F Two storey rear extension to create ground floor kitchen and first floor bathroom and bedroom at 66 Main Street, Castledawson for Mr J McCullagh

Application listed for approval subject to conditions as per the officer's report.

Proposed by Councillor Reid
Seconded by Councillor Kearney and

Resolved That planning application LA09/2016/1187/F be approved subject to conditions as per the officer's report.

LA09/2016/1258/F Erection of garage for storage of vintage cars at 11 Sandholes Road, Cookstown for Mr Raymond McElhone

Application listed for approval subject to conditions as per the officer's report.

Proposed by Councillor Mallaghan
Seconded by Councillor McAleer and

Resolved That planning application LA09/2016/1258/F be approved subject to conditions as per the officer's report.

LA09/2016/1266/F Redevelopment of existing yard to a public car park, extension to existing footpath and the introduction of passing bays along the existing access/laneway at Pomeroy Forest, Pomeroy for Mid Ulster District Council

Councillors Bateson, Bell, Clarke, Cuthbertson, Glasgow, Kearney, Mallaghan, McAleer, McEldowney, McKinney, McPeake, Mullen, Reid and Robinson declared an interest in this application.

Councillor Mallaghan also declared a further local interest in this application.

Proposed by Councillor McAleer
Seconded by Councillor Robinson and

Resolved That planning application LA09/2016/1266/F be approved subject to conditions as per the officer's report.

LA09/2016/1271/O Site for dwelling on a farm approx. 60m SW of 7 Ballymoughan Lane, Magherafelt for Mr Robert Alexander Brown

Application listed for approval subject to conditions as per the officer's report.

Proposed by Councillor Reid
Seconded by Councillor Robinson and

Resolved That planning application LA09/2016/1271/O be approved subject to conditions as per the officer's report.

LA09/2016/1375/O Site for farm dwelling and double garage at approx. 35m NE of 23B Carrydarragh Road, Moneymore for Darren and Gail Wylie

It was advised that this application had been withdrawn by the applicant.

LA09/2016/1480/F Change of use from shop to fast food outlet, 40 Irish Street, Dungannon for Observer Newspapers NI Ltd

Councillor Mullen declared an interest in this application.

Application listed for approval subject to conditions as per the officer's report.

Proposed by Councillor Mallaghan
Seconded by Councillor Bell and

Resolved That planning application LA09/2016/1480/F be approved subject to conditions as per the officer's report.

LA09/2016/1502/F Change of use from construction offices and warehouse to day nursery at 1 School Lane, Gulladuff, Magherafelt for Moyagall Nursery

Application listed for approval subject to conditions as per the officer's report.

Proposed by Councillor McPeake
Seconded by Councillor Kearney and

Resolved That planning application LA09/2016/1502/F be approved subject to conditions as per the officer's report.

*Meeting recessed at 10.14 pm and recommenced at 10.32 pm.
Councillor Mallaghan did not return to the meeting.*

LA09/2016/1583/O Dwelling under policy CTY2A at approx. 20m E of 50 Oaklea Road, Ballyronan, Magherafelt for Pat Young

Councillor Bateson declared an interest in this application.

Ms Doyle (SPO) presented a report on planning application LA09/2016/1583/O advising that it is 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 advised that it was recognised this application did not meet planning policy before it was submitted however advice from the planning department stated that the application was within the spirit of the policy. Mr Cassidy stated that the neighbouring area looked like a cluster which included a focal point and did not feel given the nature of the cluster that this application would cause any harm.

Councillor McPeake felt that the Gospel Hall should carry more weight in respect of this application.

The Planning Manager stated that the arguments presented by Mr Cassidy were valid in this case. He advised that weight could be attached to the Gospel Hall and

the cross roads in terms of providing a focal point had been met. Although there was not four dwellings as required by policy an exception could be made because the site was bound on two sides and lined with other development to provide a cluster. The Planning Manager did not feel that approval of this application would change rural character.

Councillor Reid proposed that the planning application be approved.

Councillor McPeake seconded this proposal.

The Planning Manager stated that conditions in relation to height should be attached and that roads service conditions are to be met.

Resolved That planning application LA09/2016/1583/O be approved with conditions in relation to height of dwelling and roads service conditions being met to be attached.

LA09/2016/1599/O Dwelling and garage approx. 20m SW of 21 Drumconnor Road, Drumconnor, Cookstown for Oliver Donaghy

Ms McCullagh (SPO) presented a report on planning application LA09/2016/1599/O advising that it is 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 requested a deferral for this application based on previous planning appeal decisions. Mr Cassidy also had maps to show the layout of the area surrounding the site.

Proposed by Councillor McKinney
Seconded by Councillor McAleer and

Resolved That planning application LA09/2016/1599/O be deferred for an office meeting.

Councillors Bell and Mullen left the meeting at 10.44 pm

LA09/2016/1719/A 1 Vertical free standing sign, 2 flat panel signs and 2 flag poles at 26 Charlemont Street, Moy for Moy Autos

Mr Marrion (SPO) presented a report on planning application LA09/2016/1719/A advising that it is recommended for refusal.

Councillor Reid asked if there was any way this application could be accommodated.

The Planning Manager expressed the need for consistency in relation to signage and referred to an application for signage at a nearby location which was dismissed at appeal.

In response to Councillor Reid's comments Mr Marrion advised there was a proliferation of signage in the area.

In response to Councillor Cuthbertson's query Mr Marrion advised that there was an enforcement case on this site.

Councillor McKinney proposed that the application be deferred for an office meeting and commented that he would have liked to have had the additional photographs shown within the planning papers.

Councillor Reid seconded Councillor McKinney's proposal.

Resolved That planning application LA09/2016/1719/A be deferred for an office meeting.

LA09/2016/1739/A 2 shop signs relocated from existing positions to that proposed to accommodate new bypass road layout at 40m W and 145m E of 55 Aughrim Road, Magherafelt for Bradley Furniture

Ms Doyle (SPO) presented a report on planning application LA09/2016/1739/A advising that it is recommended for refusal.

Mr McPeake felt this was a lawful business in the countryside and did not understand why they could not have signage the same way businesses in towns and settlements can. Councillor McPeake did not feel the signage was out of character.

The Planning Manager agreed that a business should be able to identify itself and would be happy to meet to discuss what reasonable signage is.

Mr Cassidy, agent for the application advised that photos show that the signage had been in place since 2003 and had the right to remain, Mr Cassidy further commented that the business had suffered during the roadworks to create Magherafelt bypass.

Councillor Bateson stated that the signage had been in place for at least 20 years and felt that the realignment of the road had caused the difficulty with this application.

Proposed by Councillor Reid
Seconded by Councillor Bateson and

Resolved That planning application LA09/2016/1739/A be deferred for an office meeting.

Councillor McEldowney left the meeting at 11.02 pm

LA09/2015/1170/F Agricultural shed for storage of farm machinery 180m SSE of 1 Tullybrae Manor, Aughnacloy for Samuel Patterson

Mr Marrion (SPO) presented a report on planning application LA09/2015/1170/F advising that it is recommended for refusal.

Councillor Reid asked if there was any alternative site available to the applicant.

Mr Marrion advised that the proposal could be located beside existing sheds however the applicant has chosen not to do this.

Councillor Robinson advised that the applicant had sold his farm at another location and needed storage for the additional machinery. The Councillor asked if there was any way of facilitating the proposal.

The Planning Manager advised that he had met with the applicant in the past and that the applicant was aware of what he needed to do to get approval for a shed. The Planning Manager advised that the applicant had not offered any other location for the shed.

Councillor Cuthbertson advised he was aware that the applicant was only out of hospital and that this may have a bearing on why there was no representation present tonight.

The Planning Manager advised that when this application was initially brought before committee in May representation had been made at that time and that an office meeting had also been held with the applicant. The Planning Manager urged Members to make a decision of the application.

Proposed by Councillor Kearney
Seconded by Councillor Bateson and

Resolved That planning application LA09/2015/1170/F be refused on grounds stated in the officer's report.

Councillor Cuthbertson left the meeting at 11.12 pm

LA09/2016/0999/O Dwelling approx. 80m SW of 39 Mountjoy Road, Dungannon for Martha Dunlop

Application listed for approval subject to conditions as per the officer's report.

Proposed by Councillor Reid
Seconded by Councillor Robinson and

Resolved That planning application LA09/2016/0999/O be approved subject to conditions as per the officer's report.

P019/17 Consultation Response on Draft Environmental Impact Assessment Regulations (NI) 2017

The Head of Development Plan and Enforcement presented previously circulated report which provided Council response to the Department for Infrastructure consultation regarding the EIA Amendment Directive and the transposition of it to The Planning (Environmental Impact Assessment) Regulations (NI) 2017.

Resolved That Council submit response to the Department for Infrastructure consultation in line with the content of the paper circulated.

Matters for Information

P020/17 Appeal Decision

The Head of Development Management presented previously circulated report advising Members of recent decision made by Planning Appeals Commission.

CONFIDENTIAL BUSINESS

Proposed by Councillor McKinney
Seconded by Councillor Robinson and

Resolved That items P021/17 to P025/17 be taken as confidential business.

P026/17 Duration of Meeting

The meeting was called for 7.00pm and ended at 11.40 pm.

Chair _____

Date _____

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Minutes of Meeting of Policy and Resources Committee of Mid Ulster District Council held on Thursday 9 February 2017 in the Council Offices, Burn Road, Cookstown

Members Present

Councillor Gildernew, Chair

Councillors Ashton, Buchanan, Cuddy, Elattar, Forde, S McGuigan, McKinney, McLean, McPeake, Molloy, M Quinn, T Quinn and Totten

Officers in Attendance

Mr A Tohill, Chief Executive
Ms Canavan, Director of Organisational Development
Mr Cassells, Director of Environment & Property
Mr Kelso, Director of Public Health & Infrastructure
Ms Kerr, Head of Finance
Ms Mezza, Head of Marketing and Communications
Mr Moffett, Head of Democratic Services
Mr O'Hagan, Head of ICT
Mr JJ Tohill, Director of Finance
Ms Grogan, Committee Services Officer

The meeting commenced at 7.00 pm.

PR019/17 Apologies

Councillors Bateson and Mallaghan.

PR020/17 Declaration of Interest

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

PR021/17 Chair's Business

Councillor McLean referred to the removal of the flagpole at Magherafelt town centre and asked if Policy & Resources Committee was the place to raise the matter.

The Chair, Councillor Gildernew advised that it wasn't an item on the agenda so wouldn't be discussed tonight.

The Chief Executive advised that Members were free to raise issues at any point but this was at the discretion of the Chair. He suggested that possibly the best place to raise the issue was through Development Committee as this was a Good Relations issue.

Councillor McLean felt that this was a Policy issue.

The Chair, Councillor Gildernew stated as Chair of the Policy & Resources Committee the issue of the removal of the flagpole at Magherafelt would not be raised at this meeting tonight.

PR022/17 Receive and confirm minutes of the Policy and Resources Committee meeting held on Wednesday 11 January 2017

Proposed by Councillor McPeake
Seconded by Councillor Elattar and

Resolved: That the minutes of the meeting of the Policy & Resources Committee held on Wednesday 11 January 2017 (PR001/17 – PR007/17 and PR018/17) were considered and signed as accurate and correct.

Matters for Decision

PR023/17 Unadopted Roads: General Power of Competence

The Director of Environment & Property drew attention to the previously circulated report to seek approval in establishing criteria which can be used in relation to formulating a Policy which would ultimately be adopted by the Council in exercising its general Power of Competence with regards to the issue of the maintenance/upgrading of Unadopted Roads within the District.

In response to a query from Councillor McLean on clarification regarding zoning, the Director of Environment and Property advised that if there was proof that land has been occupied for over 12 years then title can be claimed, but in the incidence of land being occupied for a long period of time which never had a title this can be a difficult matter.

Councillor McLean stated that there was an obligation to identify whether Council own the lands or not.

Following discussion, it was agreed by Members to remove (*or is believed to own*) from Item 3.2 – No. 1.

Councillor Ashton referred to item 9 and enquired about the situation where there was no bond in place.

The Director of Environment & Property advised that he would be convinced that the statutory Roads Authority would be seeking that a bond would be in place before proceeding.

Councillor Ashton advised that she knew of one such incident in the Dungannon area where the Developer went bankrupt before a bond was in place.

Councillor McPeake referred to land which was in poor state of repair and not classified as a road and enquired if this could be upgraded to become a road.

The Director of Environment & Property advised that this had to be a road for vehicles to gain access to properties.

Councillor Cuddy enquired if rules weren't followed properly and someone gets granted the policy, then there would be a need for this to be applied to other credible places.

The Director of Environment & Property said that he would hope to take it to a standard where they can be adopted by TransportNI. Even though everything was a ticked criteria, there was still a need for this to be agreed by Council. He said that very few would get through.

The Chief Executive stated that in exercising the General Power of Competence, the test needed to be applied.

Councillor Cuddy said that a few people have applied and were denied and were advised that there was no policy in place.

Councillor Molloy enquired if a project needed to meet all the nine criteria outlined to pass.

The Director of Environment & Property stated that it wasn't necessary to meet all of the criteria.

Councillor Molloy felt that through the General Power of Competence funding was going to be used to cover the downfall where other agencies were involved as this wasn't the case in the old legacy council.

He said that when lands were in a no man's land there was a need to have something there where you can work with other bodies.

Councillor McLean suggested if this was to proceed then a draft policy would need to be drawn up to see where a common sense approach can be applied.

Proposed by Councillor M Quinn
Seconded by Councillor McPeake and

Resolved: That it be recommended to the Council that a draft policy be brought back to Committee for consideration.

PR024/17 Recognition Policy

The Director of Organisational Development drew attention to the previously circulated report to seek approval for a Recognition Policy for Mid Ulster District Council.

Councillor McPeake agreed that some recognition should be made to staff for their years of service but felt that the amounts suggested were a bit small.

The Director of Organisational Development advised that she investigated what other Councils did which included the presentation of watches etc, but felt that a monetary value would be of more benefit.

Councillor Ashton referred to item 2.3, 3rd sentence and suggested removing “for example”.

Proposed by Councillor Molloy
Seconded by Councillor M Quinn and

Resolved: That it be recommended to the Council that approval granted to implement the Recognition Policy for Mid Ulster District Council. Item 2.3 of the Policy sentence 3, “for example” to be removed.

PR025/17 NILGA Summary Product & Work Plan 2016-17

The Head of Democratic Services drew attention to the previously circulated report to ask Members to consider the NI Local Government Association Summary Product & Work Plan for 2017-2018.

Councillors McPeake and S McGuigan declared an interest in NILGA.

Councillor McLean enquired if NILGA’s role as a whole was value for money for the Council as in his opinion it was a lot of money to be allocating to the organisation which could be better spent elsewhere.

Proposed by Councillor M Quinn
Seconded by Councillor McKinney and

Resolved: That it be recommended to the Council that approval be granted for the 2017-18 Work Plan and subscription of £43,610 for the same period.

Councillor McLean wanted it recorded that he was against the proposal.

Matters for Information

PR026/17 Corporate Improvement Plan 2016-17 – 3rd Quarter Progress Report

The Head of Democratic Services drew attention to the previously circulated report to update Members on the Council’s progress on delivery of the Improvement Objectives set within the Corporate Improvement Plan 2016/17.

Resolved: That Members notes the content of the report on Corporate Improvement Plan 2016-17 – 3rd Quarter Progress Report.

PR027/17 Update on Equipment Provided to Members of Council

The Head of Democratic Services drew attention to the previously circulated report to update the Committee on equipment provided to members of Council.

Councillors M Quinn, S McGuigan and McPeake all advised that they didn't avail of a mobile phone device.

Councillor Ashton advised that she, Councillors Burton, Cuthbertson and Robinson all had acquired their laptops from the legacy Dungannon and South Tyrone Borough Council.

Councillor McLean enquired about the outcome of the query raised by Councillor Mallaghan at the meeting of the Policy and Resources Committee which had been held on Wednesday 11 January 2017 regarding Members mobile phones not being fit for purpose.

The Head of ICT advised that he had spoken to Councillor Mallaghan regarding the issue and that options were being investigated and that a report would be brought back to committee for consideration.

Councillor Cuddy enquired whether there had been any further development in relation to Council's previous discussions in relation to the provision of internet connection to Members.

The Director of Finance said he had researched the matter and that the outcome of his investigations to date was that Council could only pay for the cost of broadband but not telephone calls unless the telephone calls were included within a communication bundle provided by Council. He said that the "communications bundle" had not been defined by the Department and he was continuing to seek clarification in relation to this. However, he advised that it was now his interpretation that members' cost of broadband could be reimbursed by Council but not calls. In relation to the reimbursement of the costs of satellite broadband, it appeared that Council would first have to determine what a reasonable standard of provision was as costs varied widely depending on the download speeds, etc. to be provided. However, it appeared that a reasonable cost would probably lie somewhere in the region of between £50 and £100 per month. The Director of Finance advised that he intended to bring a formal paper to this meeting tonight but due to work being focussed on the Rates estimates this had unfortunately not been possible.

Councillor Ashton said that clarification was needed on the correspondence in relation to telephone costs previously issued by the National Association of Councillors (NAC) to Members.

The Director of Finance advised that it appeared that the correspondence referred to related to a letter issued by Councillor Boyle, Secretary of the NAC. Unfortunately that correspondence referred to an annex which he had yet to obtain a copy of. However, recent review of the Department's official index of local government circulars indicates that he appears to have misinterpreted the meaning of "communications bundle" to which he had referred earlier in the meeting and that the outworking of this misinterpretation was that it was probable that his previous advice to Members in relation to Council's authority to reimburse the costs of Members' telephone calls was incorrect. The Director further advised that, pending final clarification of this matter with the Department, he had not processed any claims submitted by Members on foot of his previous advice to Council which had resulted

in Council resolving to reimburse Members the cost of their telephone calls up to £30 per month. He confirmed that a full report would be submitted to the next meeting of the Committee.

Councillor Ashton thanked the officer for this report and welcomed the fact that he was prepared to acknowledge his apparent error.

Councillor Molloy also confirmed that his iPad was provided by the former Dungannon and South Tyrone Borough Council.

Resolved: That Members note the content of the report on Update on Equipment Provided to Members of Council.

Confidential Business

Proposed by Councillor Molloy
Seconded by Councillor S McGuigan

Resolved: That items PR028/17 to PR035/17 be taken as confidential business.

PR036/17 Duration of Meeting

The meeting was called for 7 pm and ended at 8.45 pm.

CHAIR _____

DATE _____

F

**Minutes of Meeting of Environment Committee of Mid Ulster District Council
held on Tuesday 14 February 2017 in Council Offices, Burn Road, Cookstown**

Members Present Councillor Cuthbertson (Chair)

Councillors Buchanan, Burton (7.02 pm), Glasgow, Kearney, McFlynn, McGinley, B McGuigan, S McGuigan, Mulligan (7.15 pm), J O'Neill, M Quinn, Reid (7.02 pm), Totten

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

The meeting commenced at 7.00 pm

E026/17 Apologies

Councillors Gillespie and McNamee.

E027/17 Declarations of Interest

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

Councillor J O'Neill declared an interest in Clonoe Community Centre, listed within item E043/17 – Entertainment Licensing Applications

E028/17 Chair's Business

None.

E029/17 Receive and confirm minutes of the Environment Committee meeting held on Tuesday 10 January 2017

Councillor McFlynn referred to decision taken at January Environment Committee in relation to street naming of development off Ballinderry Bridge Road, Coagh as Lifford Way. The Councillor advised that the developer was now advertising this site as Lifford Drive.

The Head of Building Control clarified that Members had also agreed the street name Lifford Drive for another part of the same site last year and that that was what the developer was now advertising.

Proposed by Councillor McGinley
Seconded by Councillor S McGuigan and

Resolved That the Minutes of the Meeting of the Environment Committee held on Tuesday 10 January 2017 (E001/17 – E017/17 and E025/17) were considered and, signed as accurate and correct.

Matters for Decision

E030/17 Transport NI Proposals to Mid Ulster District Council – Disabled Parking

Members considered previously circulated report which sought agreement in relation to proposal from Transport NI with regard to the provision of a Disabled Persons Parking Bay at Orritor Road, Cookstown.

Proposed by Councillor B McGuigan
Seconded by Councillor S McGuigan and

Resolved That it be recommended to Council to endorse the proposal submitted by Transport NI in relation to provision of a Disabled Persons' Parking Bay at Orritor Road, Dungannon.

E031/17 Transport NI Proposals to Mid Ulster District Council – Traffic Calming

Members considered previously circulated report which sought agreement in relation to proposals from Transport NI with regard to proposed traffic calming measures at Cloneen, Dungannon and Eglish, Dungannon.

Proposed by Councillor B McGuigan
Seconded by Councillor S McGuigan and

Resolved That it be recommended to Council to endorse the proposals submitted by Transport NI in relation to the introduction of traffic calming measures at both Cloneen and Eglish, Dungannon.

Councillors Burton and Reid entered the meeting at 7.02 pm

E032/17 Fairtrade Resolution

The Head of Technical Services presented previously circulated report which sought permission to approve an amended resolution in support of Fairtrade including the agreement to serve Fairtrade products. Members were also made aware of Fairtrade Fortnight which will run from 27 February to 12 March in which Mid Ulster Council will assist with the hosting of an event in Cookstown.

Proposed by Councillor M Quinn
Seconded by Councillor Reid and

Resolved That it be recommended to Council to acknowledge the contribution that Fairtrade makes to sustainable development, tackling poverty, and to improving the lives of people from some of the most disadvantaged farming communities in the developing world.

As part of its commitment to sustainable development Mid Ulster District Council is committed to actively facilitate the promotion and purchase of products with the FAIRTRADE Mark and to contribute to the regional Fairtrade campaign by taking a lead role in striving towards achieving Fairtrade District status for Mid Ulster District, including the towns of Dungannon, Cookstown and Magherafelt. Towards this objective Mid Ulster District Council resolves to -

1. Actively raise awareness of Fairtrade both within the Council and in the wider community and seek opportunities to promote the FAIRTRADE Mark in the Council area with a special focus on running activities during Fairtrade Fortnight annually;
2. Seek to ensure that FAIRTRADE Mark certified food and drink options are offered internally, at Council premises and vending machines, 100% FAIRTRADE Mark coffee, tea and sugar is available for all internal meetings, and included in procurement guidelines with subsequent review;
3. Use its influence to encourage local retailers and food business operators to provide increased Fairtrade options for residents and visitors, including during Council organised events;
4. Take a lead in engaging with all parts of the local community including representatives from local businesses, community groups, schools, churches, and charities to develop joint action on achieving Fairtrade status for the district.
5. Nominate a Council representative (member or officer) to sit on the Fairtrade Steering Group and support ongoing work to promote Fairtrade
6. Monitor and report regularly on progress towards achieving Fairtrade status through receipt of a quarterly report.

E033/17 Health and Safety Incident Selection Guide

The Head of Environmental Health presented previously circulated report which sought approval for the adoption of an operational health and safety incident selection guide.

Proposed by Councillor Buchanan
Seconded by Councillor McGinley and

Resolved That it be recommended to Council to approve the adoption of Incident Selection criteria contained within the Health and Safety selection guide as outlined in appendix to report.

E034/17 Affordable Warmth Scheme (AWS) – Amended Service Level Agreement and Scheme Case Studies

The Head of Environmental Health presented previously circulated report which sought approval to sign a revised Service Level Agreement with the Department for Communities dated January 2017 Version 4. Members were also made aware of the impact of the Affordable Warmth Scheme through a case study which also demonstrated links with the Energy Efficiency Service (EES) and Home Accident Prevention Service.

Councillor Burton advised that she had received positive feedback from those who had benefitted from the Affordable Warmth Scheme and realised the effort put in by staff working on the scheme. The Councillor stated that this effort is appreciated in rural areas.

Councillor B McGuigan also advised he had received positive feedback with regards to the scheme and asked if demand was still high and what funding was available.

The Head of Environmental Health advised that the Affordable Warmth Scheme is fully funded by Department for Communities, however there may be uncertainty as to what future funding may be available for this scheme. The Head of Environmental Health advised that Council was provided with the data which detailed the geographical areas to be targeted within the scheme.

The Director of Public Health and Infrastructure advised that Members could also refer vulnerable households into the Affordable Warmth Scheme.

The Head of Environmental Health advised that there was also a basis for self referral.

Councillor Glasgow concurred with Members earlier comments and advised that he had received positive feedback from those he had referred to the scheme. The Councillor praised the efforts of staff involved with the Affordable Warmth Scheme.

The Head of Environmental Health stated she would pass the Members comments on to staff.

In response to Councillor Reid's question the Head of Environmental Health advised that Council is funded to coordinate the scheme and provide assistance to those households who wish to participate in the scheme. The Head of Environmental Health advised that any reduction in funding would affect the number of surveys Council is able to conduct.

Councillor Reid asked if Council should promote this scheme through the press.

The Head of Environmental Health advised that the scheme is based on target areas however self referrals could still be accepted. It was advised that officers still had a number of addresses to work through within the target areas and that there was also a waiting list for the scheme.

Councillor Mulligan entered the meeting at 7.15 pm

The Director of Public Health and Infrastructure advised that Council was in receipt of correspondence from Department of Communities which advised that the funding element to support Council for the Affordable Warmth Scheme was currently under review.

Proposed by Councillor Burton
Seconded by Councillor Reid and

Resolved That it be recommended to Council to approve the Service Level Agreement between Department for Communities and Mid Ulster District Council for 2017/18 as outlined in appendix to report.

E035/17 Grounds Maintenance Awards Submissions 2017/18

The Head of Property Services presented previously circulated report which sought approval for town and village nominations to the NIAC Best Kept Awards and Ulster in Bloom competition 2017. Members were also asked to consider making a submission to Communities in Bloom International Challenge 2017 for Britain in Bloom winners Castlecaulfield.

Councillor Burton stated that whilst she realised £7000 was a lot of money for Council to commit she advised that Castlecaulfield Horticultural Society were keen to compete in the Communities in Bloom Challenge and that she did not feel Council should pose as a barrier to the Society being able to compete in the competition.

The Chair, Councillor Cuthbertson advised that the entry fee for the Communities in Bloom competition was £825 and asked if Members could agree this and then decide on who attends awards ceremonies in Canada at a later date.

Councillor Burton asked if Castlecaulfield Horticultural Society would be able to seek their own funding to cover costs associated with the competition.

The Head of Property Services advised that there would be nothing to stop the Horticultural Society seeking their own funding.

Councillor Reid expressed some concern at the costs associated with the Communities in Bloom Challenge, he stated there were a number of other villages in the district and asked if there would still be planting provision made in these villages.

The Head of Property Services advised that the entry fee to Best Kept Awards had been standard over the years whilst entry to Ulster in Bloom competition had no fee. The Head of Property Services highlighted that the Communities in Bloom Challenge was an international competition and that the costs associated reflected this. It was advised that those villages in the district that are not listed within the report would still continue to be maintained throughout the year by grass cutting and planting.

The Director of Environment and Property highlighted that if Castlecaulfield chose to enter the Communities in Bloom Challenge they would be competing with larger towns up to a population of 20,000.

Councillor Glasgow expressed concern at the costs associated with Communities in Bloom competition and asked if this money was within Council budgets. The Councillor stated that Castlecaulfield should be proud of their achievements but did not feel this should be at the detriment of other villages.

The Chair, Councillor Cuthbertson suggested that the Head of Property Services make contact with Castlecaulfield Horticultural Society to ascertain if they wanted to compete in the Communities in Bloom competition and if they would be able to secure any funding to cover costs.

Councillor Burton asked if the committee needed to make a decision regarding the £825 entry fee tonight.

The Director of Environment and Property advised that the closing date for entry to the competition was 15 March 2017 and that an extension to this date may be possible upon request. The Director advised that the closing date for entries was after March Environment Committee.

Councillor Glasgow did not feel the estimated £7000 costs associated to the competition were sufficient.

Councillor Reid advised that he still had concern that the costs were only estimated and were not within budgets.

Councillor Glasgow stated the need for officers to meet with Castlecaulfield Horticultural Society to ascertain whether they wanted to compete in Communities in Bloom competition and to gauge sponsorship they may be able to secure. The Councillor stated that officers should also bring back detailed estimate of costs associated with the competition to the next committee meeting.

Proposed by Councillor Burton
Seconded by Councillor Glasgow and

- Resolved** That it be recommended to Council to –
- Approve the following nominations to both the Best Kept Awards and Ulster in Bloom 2017 – Dungannon, Cookstown, Magherafelt, Coalisland, Maghera, Coagh, Ballyronan, Pomeroy, Stewartstown, Moneymore, Tobermore, Castlecaulfield, Donaghmore, Caledon.
 - Meet with Castlecaulfield Horticultural Society and seek decision as to whether they wish to enter Communities in Bloom Challenge and ascertain if they could obtain any sponsorship to cover associated costs of competition. Officers to also prepare detailed estimates of costs to Council if Castlecaulfield wish to proceed with entering Communities in Bloom Challenge.

E036/17 Street Naming and Property Numbering

Members considered previously circulated report regarding the naming of new residential housing developments within Mid Ulster as follows –

1 Site off Castle Road, Cookstown

Councillor B McGuigan stated that the developer needed to be more imaginative with their street naming proposal as there were already a number of developments in the area beginning with 'Castle' and that this was confusing. Councillor B McGuigan proposed that Council go back to the developer to seek alternative names for the development.

Councillor Glasgow stated he would agree with the comments of Councillor B McGuigan and seconded the Councillors proposal.

Resolved That it be recommended to Council to seek alternative street names for development at site off Castle Road, Cookstown.

2 Site off Killyman Road, Dungannon

The Chair, Councillor Cuthbertson stated that there was a live planning application for this development.

Proposed by Councillor Reid
Seconded by Councillor Burton and

Resolved That it be recommended to Council to name development off Killyman Road, Dungannon (Street 1) as Old Corn Mill Avenue.

Proposed by Councillor Reid
Seconded by Councillor Burton and

Resolved That it be recommended to Council to name development of Killyman Road, Dungannon (Street 2) as Old Corn Mill Drive.

E037/17 Street Naming and Dual Language Signage

The Director of Public Health and Infrastructure presented previously circulated report which sought agreement on preferred template design for Street Naming and Dual Language Signage.

Councillor B McGuigan proposed Appendix 2a - Option 2 as the preferred template design for Dual Language signage.

Councillor McGinley seconded Councillor B McGuigan's proposal.

Councillor Buchanan asked if emergency services had been consulted in relation to coloured font on signage.

The Director of Public Health and Infrastructure advised that emergency services had not been consulted however these services would rely on the English name of a street / road name on signage which would be in black font.

Councillor M Quinn stated he would agree with what had been proposed.

Councillor Glasgow proposed Appendix 2a - Option 1 as a preferred template design.

Councillor Buchanan seconded Councillor Glasgow's proposal.

In response to Councillor McFlynn's question the Head of Technical Services advised that the Irish Language Officer had been consulted in relation to Dual Language signage.

Members voted on Councillor B McGuigan's proposal – Appendix 2a - Option 2

For – 8

Against – 6

Members voted on Councillor Glasgow's proposal – Appendix 2a - Option 1

For – 6

Against – 8

Resolved That it be recommended to Council to approve option 2 of appendix 2a for Dual Language Signage. (Option 2 – Irish first Flora Medium font in red. English second in Transport Medium bold font in black. Fonts to be same height with townlands to have reduced size font to match Road Name.)

Councillor Burton expressed concern at the number of road naming signs that are damaged and not in place and stated the importance of these signs in rural areas to assist emergency services. The Councillor stated that she had advised of this issue many times and appealed to officers to look at the matter urgently.

Matters for Information

E038/17 Trade Waste Collection Arrangements in Magherafelt area

Members noted previously circulated report which provided update on planned changes to the collection and disposal/recycling of commercial waste from trade waste customers in the former Magherafelt area.

E039/17 Tullyvar Joint Committee Update

Members noted previously circulated report which provided update on the business of Tullyvar Joint Committee.

E040/17 Food Hygiene Rating Scheme Week of Action

Members noted previously circulated report which provided detail on a Northern Ireland wide co-ordinated week of action to assess compliance with the requirements of the Statutory Food Hygiene Rating Scheme which took place in November 2016.

E041/17 Review of Environmental Powers of Entry – Environmental Better Regulation act (NI) 2016

Members noted previously circulated report which provided detail on the Review of Environmental Powers of Entry (as required under section 10 of the Environmental Better Regulation Act (NI) 2016).

E042/17 Sustainability Update

Members noted previously circulated previously circulated report which provided update on outcomes from recent Mid Ulster Allotments Gathering.

E043/17 Entertainment Licensing Applications

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

E044/17 Building Control Report

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

E045/17 Cyclical Fleet Replacement Programme Update

Members noted previously circulated report which provided update on Council's cyclical fleet replacement programme.

Proposed by Councillor S McGuigan
Seconded by Councillor McGinley and

Resolved That it be recommended to Council to note the content of report items E038/17 to E045/17.

Confidential Business

Proposed by Councillor McGinley
Seconded by Councillor Glasgow and

Resolved That items E046/17 – E056/17 be taken as confidential business.

E057/17 Duration of Meeting

The meeting was called for 7.00 pm and ended at 8.24 pm

CHAIR _____

DATE _____

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**Minute of Meeting of the Development Committee of Mid Ulster District Council
held on Thursday 16 February 2017 in the Council Offices, Burn Road,
Cookstown**

Members Present Councillor Molloy, Chair

Councillors Burton, Clarke, Cuddy, Doris, Elattar, Forde,
McAleer, McEldowney, Monteith, G Shiels, J Shiels and
Wilson

Officers in Attendance Ms Campbell, Director of Culture and Leisure
Mr McCreesh, Director of Business and Communities
Mr Browne, Head of Tourism
Mr Glavin, Head of Leisure
Ms Linney, Head of Community Development
Mr McCance, Head of Culture and Arts
Ms McKeown, Head of Economic Development
Ms Grogan, Committee Services Officer

Others in Attendance Upbeat Cycle Culture – Lap the Lough

The meeting commenced at 7.00 pm.

D021/17 Apologies

Councillors T Quinn, McNamee and C O Neill.

D022/17 Declaration of Interests

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

The Chair, Councillor Molloy drew Members attention to Papers C and K.

Councillor Wilson declared an interest in Economic Development

Councillor Clarke declared an interest in Tourism and Magherafelt Town Centre Forum

Councillor Burton declared an interest in Tourism

Councillor Cuddy declared an interest in Dungannon Enterprise Centre.

D023/17 Chair's Business

None.

D024/17 UPBEAT CYCLE CENTRE

The Chair welcomed to the Committee representatives from Upbeat Cycle who were in attendance to give an overhead presentation on Lap the Lough.

Mr Hamill advised that Lap the Lough is one of the largest cycle events in Ireland and UK and was in its 12th year of existence.

Mr Hamill stated that figures based on the 2016 event identified that:

- **Gender** - Male - 78%
Female – 22%
- **Age** – 16-24 – 5%
25-35 – 15%
35-45 – 37%
45-65 – 40%
65+ - 3%
- **Country** – Northern Ireland – 83%
Rep of Ireland - 12%
United Kingdom - 4%
Other - 1%
- **Cycling** - Club Cyclist - 45%
Commuter Cyclist - 25%
Return Cyclist - 10%
Beginner - 25%
- **Tourism** - 55% travelled specifically for the event
45% did not travel specifically for the event
55% would visit Lough Neagh Region again in the future
45% would travel only for the specific event in the future
- **Process of Hearing about Lap the Lough:** -
44% word of mouth
32% social media
22% website
1% print/press
93% would return to the event again
93% would recommend to a friend
- **How Many Times Attending the Event**
1 - 47%
2 - 25%
3-5 - 22%
6-9 - 5%
10-11 - 1%

90% of participants said that it encouraged them to take up cycling
- **First Time Visitation**
95% - Hill of the O'Neill
48% - Ballyronan Marina

- **Participants (per year) -**
 - 2006 – 170**
 - 2007 - 400**
 - 2011 – 1600**
 - 2016 - 2000**
 - 2016+ - 2500**

- **Charity – (Lap the Lough as a Fundraising Vehicle)**
 - Total raised for Charity (Estimate) - £140,000
 - No. of Charities Benefitting - 60+
 - No. People Using Event to Fundraise – 400+

- **Media -**
 - Lap the Lough.Org Unique Visitors – 50k
 - Page Impressions of LTL.ORG - 200K
 - Followers (Facebook and Twitter) - 6000

To conclude his presentation, Mr Hamill advised the Committee that Lap the Lough was a valuable asset to local accommodation establishments in the area which included: Ryandale and Charlemont House in Moy, Dungannon Park, Cohannon Inn, Kensington Lodge, Grange Lodge, Crockgarve B&B, Millbrook B&B, Roughan Lodge B&B (all Dungannon) and the Royal Hotel, Cookstown.

The Chair, Councillor Molloy asked Members for any comments.

Councillor Cuddy thanked the group for their presentation and stated that last year's event was a huge success. He said that anyone who was up on the Hill of the O'Neill on the day, were amazed at how well run the event was and it also promoted the Hill to its full potential as the weather was fantastic and Lough Neagh in clear view.

The Chair, Councillor Molloy agreed that it was a great event which brought a lot of people to the area, but his main concern was the lack of hotel accommodation in the local area but was encouraged to see outreach areas like Moy and Cookstown being included.

Mr Hamill advised that all hotels in the area would be offering a package on the weekend of the event with possibly a 20% reduction.

The Chair, Councillor Molloy declared an interest in Lap the Lough as he has taken part in the event for a number of years.

Councillor Burton said that it would be beneficial to keep all local Hotels and B&B's up to date on the event to keep them involved.

The Director of Business and Communities reassured Councillor Burton that he would follow this issue up with the Tourism Forum and would work on this closely as it's an event that he would want to bring on board.

The Chair thanked representatives from Upbeat Cycle Culture for their attendance at which they left the meeting at 19.25 pm.

Councillor Cuddy enquired about funding for the group and how much they were likely to receive as this event was well supported in the legacy Dungannon & South Tyrone Borough Council.

The Director of Business and Communities advised that Upbeat Cycle Culture would have to apply for funding like everyone else. He said that the group would have to apply through the Strategic Event Fund and because of the amount of people which this event would generate to the area, the group would be applying for the larger amount.

Councillor Wilson referred to the Cookstown 100 and said that last year he was very disappointed by the lack of a major sponsor for the event. He said that it would be important that steps are taken to select a major sponsor for the event as its televised and Council recognition should be sought.

D025/17 Confirmation of Development Minutes held on Thursday 12 January 2017

Proposed by Councillor J Shiels
Seconded by Councillor Clarke and

Resolved That the minutes of the meeting of the Development Committee held on Thursday 12 January 2017 (D001/17 to D017/17 and D020/17) were considered and signed as correct and accurate.

Matters for Decision

D026/17 Ballygawley Area Development Association (BADA)

The Director of Culture and Leisure drew attention to the previously circulated report to seek approval to accept the donation of allotment utility shed from Ballygawley Area Development Association for the use of plot holders and visitors to the Council managed Nature Garden and Community Allotment site.

Proposed by Councillor Wilson
Seconded by Councillor Burton and

Resolved: That it be recommended to the Council that approval be granted to accept the proposal and assist with the provision of the utility shed and aim to have all works completed prior to Easter.

D027/17 Community Development Report

The Head of Community Development drew attention to the previously circulated report to:

- a) Seek approval for community grant award recommendations
- b) Agree a further submission of programmes for Peace IV Local Action Plan
- c) See approval to extend Mid Ulster Advice Provision
- d) Update on Community Development

e) Update on Community Planning Mid Ulster

Proposed by Councillor Forde
Seconded by Councillor McAleer and

Resolved: That it be recommended to the Council to grant approval for community grant award recommendations.

Proposed by Councillor Burton
Seconded by Councillor McEldowney and

Resolved: That it be recommended to the Council to grant approval for further submission of programmes for Peace IV Local Action Plan.

Proposed by Councillor McAleer
Seconded by Councillor Cuddy and

Resolved: That it be recommended to the Council that approval be given to:

- i) Extend Mid Ulster Advice Provision for a further year 2017-18
- ii) Note the Community Development update and PCSP minutes
- iii) Note the Community Planning update

D028/17 Grants Review 2016/17 and Grants Policy 2017/18

The Head of Community Development drew attention to the previously circulated report to illustrate the delivery of grant aid across a range of community grant themes for 2017/18 as follows:

- Strategic Event Grant
- Local Community Festival Grant
- Strategic Arts & Culture Grant
- Arts & Culture Small Grant
- Strategic Community Development Grant
- Community Development Small Grant
- Community Venues Grant
- Good Relations Grant
- Strategic Sports Grant
- Sports Development Small Grant
- Sports Representative Grants (team and individual)
- Sports Capital Grant
- Festive Lights Grant
- Peace IV (2017 only)

Councillor Wilson raised concern regarding the Sports Representative Grant criteria and teams who are representing their area/District on a weekly basis. He said consideration is required regarding the criteria and how this would be implemented with clubs with multiple teams and regular representation.

The Head of Community Development advised that all teams could apply if they were representing their county/area/district in a recognised competition by their sports governing body. She also stated that the amended criteria was also to provide for individuals representing; and that further consideration is required.

The Director of Business and Communities agreed to relook at the Sports Representative Grant and bring back a further report to the next committee meeting.

Councillor Forde referred to the Sports Development Grant and enquired if there was any provision for equipment to provide training or other items.

The Head of Community Development advised that small items of equipment etc could be requested through the Sports Development Grant and larger sports items would be referred to the Sports Capital Grant.

Councillor Clarke left the meeting at 7.40 and returned at 7.43 pm.

Councillor Forde said that it would be beneficial for the Community Grants to become a rolling grant.

The Head of Community Development stated that Community Grant was a closed grant because of the large number of applications and available budget at the end of year.

Councillor Burton asked if it was possible for a small group who are receiving the small grant up to £600 to receive an advance payment.

The Director of Business and Communities advised that under the existing policy this was not possible due to auditing both internally and externally and risk of enforcing clawback of grant money.

Councillor Burton asked if smaller groups could possibly get their claims prioritised to be turned around quickly.

The Director of Business and Communities advised that he would take the matter on board.

Proposed by Councillor McAleer
Seconded by Councillor Forde and

Resolved: That it be recommended to the Council that approval be given to:

- i) Grants policy for implementation with provision for review of the sports representative grant criteria to be reconsidered and brought back to the next meeting.
- ii) Note the timeline for grant delivery

D029/17 Update on Carleton Trail

The Head of Tourism drew attention to the previously circulated report to inform Council that a Consultant would be appointed to carry out an audit of the existing Carleton Trail, they will prepare a schedule of any necessary new/replacement signage including interpretation panels in an appropriate format and furthermore would design and install the signs.

The Head of Tourism advised that the Carleton Trail was a waymarked walking/cycling and driving trail that measures in total 29.8 miles which makes its way through the Clogher Valley landscape, linking architecture, ancient monuments with spectacular views of the area. He advised that it was named in honour of the poet and novelist William Carleton who spent his childhood in the Clogher Valley area. Originally the trail was developed in the late 90's by Dungannon and South Tyrone Borough Council and over the years has become somewhat in need of a facelift.

The cost of the project will be no more than £20k and a resource has been identified with this year's tourism budget.

In addition to the material produced for the interpretation and information panels, Tourism department is also looking about producing a downloadable app that will also complement this trail next financial year.

The Trail complements the Tourism Strategy under the Heritage and Outdoor themes.

Councillor Burton referred to the signage for the Ulster Way and said that it was in very poor condition and not good for tourism in the area and asked if this could be investigated.

Councillor McAleer asked if Lumford's Glen leading to Knockmany could be looked at and also the facilities.

Proposed by Councillor Cuddy
Seconded by Councillor McAleer and

Resolved: That it be recommended to the Council that approval be given to the appointment of the Consultant to carry out the audit of the Carleton Trail and its associated works.

D030/17 Carole Nash Irish Motorbike & Scooter Show

The Head of Tourism drew attention to the previously circulated report to seek permission for the Tourism/Events staff to attend the Carole Nash Irish Motorbike and Scooter Show in the RDS Dublin from 3rd -5th March 2017 to promote and market the area to potential visitors attending the 2017 KDM Hire Cookstown 100, which is being held on Friday 28th and Saturday 29th April 2017.

The Cookstown 100 is one of the major sporting events held in Mid Ulster during the year and economically it generates high level of bed nights for the area with a good economic impact for the area. This year there is a willingness to increase the

awareness of the District to potential visitors with a view to increasing overnight stays and build a potential visitor database. The show attracts over 27,000 visitors and is Ireland's largest motorcycle show.

Proposed by Councillor J Shiels
Seconded by Councillor Doris and

Councillor Cuddy recommended that the Chair, Councillor Wilson also attends the event.

Resolved: That it be recommended to the Council that approval be granted for the Tourism/Events staff to attend The Carole Nash Irish Motorbike and Scooter Show in partnership with Cookstown 100 event organisers and that the Chair, Councillor Wilson also attends the event.

**D031/17 Heart of Ancient Ulster Landscape Partnership Scheme (HoAULPS)
Governance Arrangements**

The Head of Tourism drew attention to the previously circulated report to inform Council of the Governance Arrangements for the delivery of the Heart of Ancient Ulster Landscape Partnership Scheme.

He advised that the purpose of report was to seek approval of the draft governance documents and to seek nominations from the members to sit on the Steering Group of the Heart of the Ancient Ulster Landscape Partnership Scheme for the duration of development stage of the project.

HLF have issued Mid Ulster as the lead partner a letter of offer totalling £115,000 which includes the two partner Councils contributions of £11,025 each, to work up for the Development Stage to a Stage Two application which needs to be submitted no later than 14th November 2018, and if successful the Delivery Phase has the potential to draw down a total £2.9 million over a five year period which has been earmarked for the project by HLF.

This paper will also be submitted to the Fermanagh and Omagh Development committee and HLF have been involved throughout the process of compiling these papers and are satisfied with them.

This Landscape Partnership is slightly different in the sense that a local authority is the lead partner, whereas in other landscape partnerships, bodies such as The Lough Neagh Partnership would be the lead partner. However, we have closely followed the model for governance from other partnerships which is reflected in your papers.

The Head of Tourism stated that if the members are satisfied with the draft governance papers, then approval would be sought for the draft governance papers and would ask the committee to nominate the members to sit on the steering committee.

Members advised that nominations would be brought back once discussions have taken place with their individual parties.

Proposed by Councillor McAleer
Seconded by Councillor Burton and

Resolved: That it be recommended to the Council that approval be given to:

- i) The Partnership Agreement
- ii) The Partnership Governance Structure
- iii) The Terms of Reference for the Steering Group
- iv) The Terms of Reference of the Delivery Working Groups
- v) Five Members to sit on the Steering Group – Members to bring back nominations after discussions with individual parties.

D032/17 Economic Development Report

The Head of Economic Development drew attention to the previously circulated report to provide Members with an update on key activities as detailed below:

Councillor Cuddy declared an interest in Shop Improvement Scheme

Councillor Clarke declared an interest in Magherafelt Town Centre Forum

Councillor Wilson left the meeting at 7.55 pm.

- 1) Shop Improvement Scheme
- 2) Maghera Wi-Fi

Councillor G Shiels enquired what areas were covered in Maghera's wi-fi deployment.

The Director of Business and Communities advised that a map would be issued to all Committee Members to highlight the catchment area for wi-fi in Maghera town centre.

- 3) Magherafelt Town Centre Forum
- 4) Mid Ulster Town Centre Positioning Study
- 5) Dungannon Town Centre Brand
- 6) Cookstown Bridal Showcase Event
- 7) Association of Town Centre Management
- 8) Study on Derelict and Vacant Properties in Dungannon
- 9) Mid Ulster Skills Forum
- 10) Mid Ulster Business Events
- 11) New NI Business Start Programme – CRM System
- 12) New Business Support Programmes

Councillor J Shiels enquired what a business would receive through the delivery of the Online Programme at a cost of £48,000.

The Head of Economic Development advised that as more and more business is being transacted online, this programme will focus on encouraging businesses to

improve their online presence which is hoped will assist them generate additional sales leads and improve their bottom line.

Councillor Burton enquired about the Engineering Innovation Programme.

The Head of Economic Development advised that a similar programme had been delivered previously by the former Cookstown District Council and was very successful resulting in some very positive outcomes. The programme will specifically target engineering companies across Mid Ulster to help them consider ways to innovate to improve the sustainability of their business through the development of new products/services or making improvements to existing products/services, resulting in job creation as a key outcome.

Councillor Cuddy enquired if there was evidence of need for the delivery of an Engineering Innovation Programme and how best to engage with interested young people in engineering which would give positive results. He stated that the engineering sector is growing constantly.

The Head of Economic Development agreed that there was a need for an Engineering Innovation Programme as this is one of the area's key sectors and had been identified as such within Council's Economic Development Plan. She stated that micro and small engineering businesses were the target audience and would benefit from targeted support to help them become more innovative and sustain their long term viability.

Councillor Clarke advised that innovation was the way forward. He indicated that local businesses are doing remarkable work but there was still a need to constantly innovate and supported the need for an Engineering Innovation Programme in Mid Ulster.

Councillor G Shiels agreed that innovation was the way forward, with the provision of mentoring beneficial to a person provided there was an advisory element especially for Engineering vocations.

Councillor Clarke stated that there was opportunity within the area of recycling.

Proposed by Councillor Burton
Seconded by Councillor Clarke and

Resolved: That it be recommended to the Council that approval be granted for:

- 1) **Shop Improvement Scheme** – Members to note progress
- 2) **Maghera Wi-Fi** – Members to note progress and the Head of Economic Development to issue a map to Committee Members highlighting the areas covered by wi-fi in Maghera town centre.
- 3) **Magherafelt Town Centre Forum** – Members to note progress
- 4) **Positioning Paper** – Members to note progress
- 5) **Dungannon Town Centre Brand** – Members to note progress – Creative Media appointed
- 6) **Cookstown Bridal Showcase Event** – Members to note progress

- 7) **Association of Town Centre Management** – Mid Ulster District Council to seek annual membership for a fee of £495+vat
- 8) **Study on Derelict and Vacant Properties in Dungannon** – Members to note progress
- 9) **Mid Ulster Skills Forum** – Members to note progress
- 10) **Mid Ulster Business Events** – Members to note progress
- 11) **New NI Business Start Programme – CRM System**
Allocation of up to a maximum of £22,000 as Mid Ulster District Council's contribution towards Belfast City Council's development and management of a CRM system for the new NIBSUP over the next 4 years
- 12) **New Mid Ulster Business/Social Enterprise Support Programmes**
Procure suitably qualified organisations to deliver each of the following business/social enterprise programmes as follows:
 - i) **Social Enterprise Programme**
Up to an estimated value of £78,000 over the next 3 years (including expenses and excluding vat)
 - ii) **Engineering Innovation Programme**
Up to an estimated value of £65,000 over 18 months (including expenses and excluding vat)
 - iii) **Online Programme**
Up to an estimated value of £48,000 over 18 months (including expenses and excluding vat)

The Chair, Councillor Molloy advised that Items K and M in the report would be taken as open business.

D033/17 Recommendation on allocation of Schools' Sports Facilities Access Grants

The Head of Leisure drew attention to the previously circulated report which provided an update on Schools' Sports Facilities Access Grants programme and to set out proposed funding recommendations.

The Head of Leisure advised that in appendix 1 – Area D – Cuchulainn na Ghleanna Junior Hurling and Camogie, the Project Title should read "Hurling and Camogie Training not European Netball Championships".

Proposed by Councillor McAleer
Seconded by Councillor J Shiels

Resolved: That it be recommended to the Council that approval be granted for successful grant applications.

D034/17 Glenone Permissive Path Agreement

The Director of Culture and Leisure drew attention to the previously circulated report and advised that Bann Valley Community Group in partnership with Portglenone

Enterprise Group had requested support from Mid Ulster District Council in relation to development of walking trails linking the town to public open spaces.

Councillor J Shiels said that in his opinion that this was a very good idea and that it would be very welcome in the area.

Councillor Cuddy said that it would be good practice if other areas were also looked at.

Proposed by Councillor J Shiels
Seconded by Councillor McEldowney and

Resolved: That it be recommended to the Council that approval be granted subject to all formal landowner agreements and Letter of Offer conditions being met by the Bann Community Group and Portglenone Enterprise Group partnership in relation to project funding, Mid Ulster District Council could support the proposal with a commitment to establish the required agreements, to manage and maintain the designated path for the agreed period under the terms and conditions of the Permissive Path Agreement.

Matters for Information

D035/17 Northern Ireland Rural Development Programme 2014-2020

Members noted previously circulated report which provided an update on progress with the interim rural development strategy for Mid Ulster.

Councillors Burton, Clarke, Forde, McAleer, McEldowney and G Shiels declared an interest in LAG.

D036/17 Leisure Services Progress Report

Members noted previously circulated report which provided an update on progress being made regarding activities in Leisure Services and highlight events that will be occurring in the future.

D037/17 Parks Service Progress Report

Members noted previously circulated report which provided an update on the progress being made regarding activities and associated to Parks Services and highlight events or consultations that will be occurring in the future.

D038/17 Mid Ulster District Angling Summer Schools

Members noted previously circulated report to inform members of angling programme development in conjunction with DAERA and forthcoming Mid Ulster District Council Summer Angling Schools 2017.

D039/17 Culture and Arts Progress Report

Members noted previously circulated report to update Members on the progress being made in Culture and Arts Services and highlight events that have occurred during the month of January. Also to identify events and activities within Culture & Arts Services that will be occurring in the future.

Confidential Business

Proposed by Councillor J Shiels
Seconded by Councillor Forde and

Resolved: That item D040/17 to D042/17 be taken as confidential business.

Special Development Committee Meeting

The Director of Business and Communities advised members of the Special Development Committee Meeting which would be taking place next Tuesday 21 February 2017 in the Cookstown offices. He said that it would be important for members to be in attendance as four delivery partners would be in attendance to give presentations on the economic development programmes they had delivered to businesses on Council's behalf during 2016/17. He said that this was a very good news story for the area.

D043/17 Duration of Meeting

The meeting commenced at 7 pm and concluded at 8.45 pm.

CHAIR _____

DATE _____

H

Subject	Conferences & Seminars – February 2017
Reporting Officer	P Moffett, Head of Democratic Services
Contact Officer	E Forde, Member Support Officer

1	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	Background
2.1	The following seminar/ conference sessions are presented for consideration of representation from Mid Ulster Council.
2.1	Approval for Consideration of Attendance by Members
2.1.1	Policy Forum NI, Policy priorities for education in Northern Ireland – Improving attainment and reducing inequalities <ul style="list-style-type: none"> Tuesday 4 April 2017, 8.30am – 1.30pm, Belfast
2.2	<u>Officer Approvals</u>
2.2.1	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.

3	Key Issues
3.1	N/A

4	Resources
4.1	<u>Financial</u>
4.1.1	Policy Forum NI, Policy priorities for education in Northern Ireland – Improving attainment and reducing inequalities <ul style="list-style-type: none"> Conference fee £210 plus VAT, travel and subsistence

5	Other Considerations
5.1	Costs associated will be set against 2016-17 member Conference and Seminar allocations.

6	Recommendations
6.1	Approval for attendance at the conferences/ seminars by members and council officers as required.

7	List of Documents Attached
7.1	Appendix A Conferences & Seminar Details Appendix B Officer Approvals

Policy Forum for Northern Ireland Keynote Seminar: Policy priorities for education in Northern Ireland - Improving attainment and reducing inequalities

Timing: Morning, Tuesday, 4th April 2017

Venue: Belfast



**POLICY FORUM
FOR NORTHERN
IRELAND**

Draft agenda subject to change

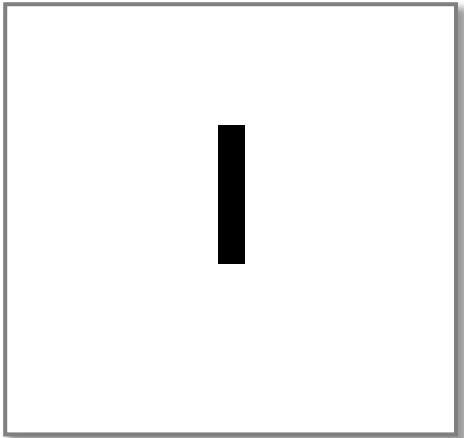
- 8.30 - 9.00 Registration and coffee
- 9.00 - 9.05 Chair's opening remarks
Chair to be announced
- 9.05 - 9.35 Reducing inequalities in education in Northern Ireland: progress and remaining challenges
Dr Michael Wardlow, Chief Commissioner, Equality Commission for Northern Ireland
Questions and comments from the floor
- 9.35 - 10.25 Addressing issues in early years: early intervention, parental support and community networks
Slobhan Fitzpatrick, Chief Executive Officer, Early Years
Elisa Mascellani, Senior Policy and Public Affairs Officer, The Nurture Group Network
Senior speaker, academic
Senior speaker, school
Questions and comments from the floor
- 10.25 - 10.30 Chair's closing remarks
Chair to be announced
- 10.30 - 11.00 Coffee
- 11.00 - 11.05 Chair's opening remarks
Chair to be announced
- 11.05 - 11.35 Education standards in Northern Ireland: the current state of play
Noelle Buick, Chief Inspector, Education and Training Inspectorate
Questions and comments from the floor
- 11.35 - 12.25 Tackling key issues for raising attainment: leadership, school autonomy and improving standards in the classroom
Dermot Mullan, Principal, Our Lady and St Patrick's College, Knock
Professor Allen Thurston, Acting Head, School of Social Sciences, Education and Social Work, Queen's University Belfast
Angela Mervyn, Education Programme Manager, West Belfast Partnership Board
Senior speaker confirmed from CBI
Questions and comments from the floor
- 12.25 - 12.55 Education policy landscape in Northern Ireland
Dr David Hughes, Director of Curriculum, Qualifications and Standards, Department of Education, Northern Ireland Executive
Questions and comments from the floor
- 12.55 - 13.00 Chair's and Policy Forum for Northern Ireland closing remarks
Chair to be announced
Sean Cudmore, Deputy Editor, Policy Forum for Northern Ireland

Appendix B Approval Sought

Conference & Seminar	Date	No. of Attendees	Location	Attendance Fee (Yes/ No)
Annual Joint SOLACE NI/CCMA Seminar	2 nd March 2017	1	Belfast	No
Conference on Planning Reform	23 rd March 2017	1	Belfast	£210
3 Perspectives on Leaving the E.U.	30 th March 2017	1	Belfast	£220+vat

Retrospective Approval

Conference & Seminar	Date	No. of Attendees	Location	Attendance Fee (Yes/ No)
Planning & Development Conference	8/2/17	1	Belfast	£113 + vat



Subject	Consideration of Requests for Civic Recognition – February 2017
Reporting Officer	P Moffett, Head of Democratic Services
Contact Officer	E Forde, Member Support Officer

1	Purpose of Report
1.1	To consider approval of request(s) for civic recognition from members, in line with council Receptions Policy.

2	Background
2.1	The Receptions Policy was reviewed and subsequently agreed at the December 2016 council meeting. All requests for civic recognition are to be now forwarded to Democratic Services to appear on a report for presentation to council for consideration and approval.
2.2	The policy confirms 3 categories of reception offered by the Council: (1) Civic Receptions (2) Chair and Deputy Chair Reception (3) Civic Awards
2.3	Appendix A to this report details those request(s) received for notification to and approval by council. The request(s) have been categorised in line with established conditions/ criteria required to be met to receive a Civic Reception, Chair & Deputy Chair Reception or Civic Award.

3	Key Issues
3.1	Implementation of the Receptions Policy facilitates the Council in acknowledging the achievements of organisations and persons from the district, as put forward by members.
3.2	Civic 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	Resources
4.1	<u>Financial – N/A</u>
4.2	<u>Human – N/A</u>

4.3	<u>Basis for Professional/ Consultancy Support – N/A</u>
4.4	<u>Other – N/A</u>

5	Other Considerations
5.1	Not Applicable

6	Recommendations
6.1	That consideration be given to approving request(s) for civic recognition.

7	List of Documents Attached
7.1	Appendix A Submitted Requests

February 2017 - Requests for Civic Recognition Submitted: For Approval

Category: Civic Reception

Proposed Recipient	Achievement	Submitted by	Condition/Criteria Met	Recipient Previously Acknowledged
<i>None to Report</i>				For: Date:

Category: Civic Award

Proposed Recipient	Achievement	Submitted by	Condition/Criteria Met	Recipient Previously Acknowledged
Craemill Veterinary Clinic Coagh, Cookstown and Magherafelt	Winners of 2016 GHP (Global Health & Pharma) Award for Innovation & Excellence in Animal Health Care	Cllr Glasgow	<ul style="list-style-type: none"> Attained an outstanding achievement at a Northern Ireland or provincial level 	For: N/A Date: N/A
Nathan Weir	2016 Ulster 25 mile Time Trial Champion in Ulster Championship. Silver medal in Ulster 10 mile time trial championship. Silver medal in Ulster 25 mile time trial championship.	Cllr Glasgow	<ul style="list-style-type: none"> Attained an outstanding achievement at a Northern Ireland or provincial level 	For: N/A Date: N/A
Lavey Early Years Playgroup	Attaining Highscope Early Years Accreditation Award 2016 together with celebrating 25 years in operation	Cllr McPeake	<ul style="list-style-type: none"> Attained an outstanding achievement at a Northern Ireland or provincial level 	For: N/A Date: N/A
Ms Kayleigh Magee	Irish Senior Novice Championships Female 52kg Irish Champion	Cllr McGinley	<ul style="list-style-type: none"> Attained an outstanding achievement at a Northern Ireland or provincial level 	For: N/A Date: N/A

Mr Dean Scullion	Irish Senior Novice Championships 91kg Male Irish Champion	Cllr McGinley	<ul style="list-style-type: none"> Attained an outstanding achievement at a Northern Ireland or provincial level 	For: N/A Date: N/A
Mr Brian Cassidy	Irish Senior Novice Championships 60kg Male Irish Champion	Cllr McGinley	<ul style="list-style-type: none"> Attained an outstanding achievement at a Northern Ireland or provincial level 	For: N/A Date: N/A

Category: Chair & Deputy Chair Reception

Proposed Recipient	Achievement	Submitted by	Condition/Criteria Met	Recipient Previously Acknowledged
Loughshore ABC	The club was established a year ago and enjoyed many successes to date. The club has so far brought 8 Senior Boxers to the Irish Novice Championships in 8 different weight categories	Cllr McGinley		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
None to report		

J

Subject	Response to Planning Appeals Commission Consultation – Draft Procedures for Independent Examination of Local Development Plans
Reporting Officer	Chris Boomer, Planning Manager
Contact Officer	Sinead McEvoy Head of Development Plan & Enforcement

1	Purpose of Report
1.1	To provide members with a response to the consultation by the Planning Appeals Commission (PAC) on Draft Procedures for Independent Examination of Local Development Plans.

2	Background
2.1	On 5 th January 2017 the PAC wrote Mid Ulster District Council providing a copy of draft procedures which they have prepared for the independent examination of local development plans.
2.2	Independent Examination is a key aspect of the preparation of a new Local Development Plan and will be held in order to test the soundness of both the Draft Plan Strategy and the Draft Local Policies Plan.
2.3	Comments on the draft procedures must be submitted to the PAC no later than 27 th February 2017 and it is their intention to have a final version of the guidance issued by the end of April 2017.

3	Key Issues
3.1	The draft procedures are welcomed and are considered to be a useful guidance point in preparing for and taking part in the Independent Examination. There are a number of points within the draft procedures where further consideration could be given, particularly in the context of soundness. Soundness is the basis on which all Local Development Plans will be examined and is a new aspect to the plan making process in Northern Ireland.
3.2	It is proposed that the attached draft letter is issued to the PAC to raise concerns with the procedures at the following specific point: <ul style="list-style-type: none"> [10] No advice has been provided as to what will occur in the event that someone does not deal with soundness within their representation. It is considered that there needs to be a degree of flexibility for the general public as it is unlikely that they will all have an adequate grasp of the test of soundness to the extent that they could articulate it into their representation. Equally the PAC should provide advice on how they will address a scenario

	<p>where representations and counter representations to the Plan are submitted in a disingenuous manner</p> <ul style="list-style-type: none"> [16] In relation to the use of a database for the categorisation of representations to the Plan it is considered that soundness should not be included within this as a subject area. To do so places an onus on the Council at the outset to interpret a representation as relating to soundness when it is likely that they may not have made that specific point within their submission.
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4	Resources
4.1	<p><u>Financial</u></p> <p>None</p>
4.2	<p><u>Human</u></p> <p>None</p>
4.3	<p><u>Basis for Professional/ Consultancy Support</u></p> <p>None</p>
4.4	<p><u>Other</u></p> <p>None</p>

5	Other Considerations
5.1	N/A

6	Recommendations
6.1	Members are requested to note the contents of this report and attached draft letter and agree that the letter is issued to the PAC as the Councils' response to the consultation.

7	List of Documents Attached
7.1	<p>The following documents are attached:</p> <ul style="list-style-type: none"> - Draft letter to the Planning Appeals Commission; - Copy of Independent Examination of Local Development Plans-Draft Procedures.



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Mid Ulster District Council
Planning Department
Local Development Plan Team
50 Ballyronan Road
Magherafelt
BT45 6EN
Tel – 03000 132 132

Mr Ciaran Purvis
Chief Administrative Officer
Planning Appeals Commission
Park House
87/21 Great Victoria Street
Belfast
BT27AG

Date: ** February 2017

Dear Mr Purvis,

Re: Independent Examination of Local Development Plans

Thank you for your correspondence of 5th January 2017 in respect of the above subject and for the opportunity to comment of the draft procedures.

Mid Ulster District Council welcome the draft procedures prepared by the PAC. There are a number of specific points within the procedures which give the Council concern and which specifically relate to the test of soundness as follows:

- [10] No advice has been provided as to what will occur in the event that someone does not deal with soundness within their representation. It is considered that there needs to be a degree of flexibility for the general public as it is unlikely that they will all have an adequate grasp of the test of soundness to the extent that they could articulate it into their representation. Equally the PAC should provide advice on how they will address a scenario where representations and counter representations to the Plan are submitted in a disingenuous manner
- [16] In relation to the use of a database for the categorisation of representations to the Plan it is considered that soundness should not be included within this as a subject area. To do so places an onus on the Council at the outset to interpret a representation as relating to soundness when it is likely that they may not have made that specific point within their submission.

Prior to finalising these procedures Mid Ulster Council would welcome a meeting with the PAC to discuss your role in the Independent Examination.

Should you wish to discuss the contents of this correspondence please do not hesitate to contact me directly.

Yours sincerely,

Sinead McEvoy
Principal Planning Officer
Head of Development Plan and Enforcement

On behalf of Dr Boomer, Planning Manager

Independent Examination of Local Development Plans DRAFT PROCEDURES



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Introduction

[1] This publication, which is being issued for consultation purposes, explains how the Planning Appeals Commission proposes to carry out independent examinations into local development plans. Although not an exact statement of the law, it is intended to assist those who will be taking part in the examination process.

[2] The Commission has a default power under Section 204(5) of the Planning Act (Northern Ireland) 2011 to determine its procedures. The draft procedures set out here are based on the principles of openness, fairness and impartiality which the Commission practises. When the procedures are finalised, all participants in examinations will be expected to follow them and to act in a co-operative and reasonable manner.

The Planning Appeals Commission

[3] The Planning Appeals Commission is a statutory tribunal, independent of any government department, government agency or district council. It is committed to ensuring that the examination process is as user friendly as possible and involves the best use of resources. Members of the Commission are public appointees and are called Commissioners. They have varied backgrounds and qualifications including town planning, architecture, environmental science and law. Administrative staff are responsible for the Commission's day-to-day work. While they are available to deal with queries from the public about procedures, they are unable to comment on the merits of local development plans or individual representations.

[4] All information presented to the Commission is processed in accordance with the Data Protection Act 1998 (see Appendix 1).

The Legislation

[5] The 2011 Planning Act introduced entirely new provisions for the preparation and examination of local development plans. District councils are required to prepare a plan strategy and a local policies plan for their areas. In this publication, the word "plan" is used for development plan documents of both types. Councils must submit their plans to the Department for Infrastructure and the Department may request the Commission to carry out an independent examination. More detailed provisions are contained in the Planning (Local Development Plan) Regulations (Northern Ireland) 2015.

[6] When a plan is referred to the Commission, a Commissioner (or Commissioners) will be appointed to run the examination. A Programme Officer will also be appointed to administer the process. The examination process will involve the consideration of written evidence as well as the conduct of hearing sessions. Appendix 2 sets out the main events. Any person who has, within the period allowed for doing so, made representations seeking to change the plan has a statutory right to an opportunity to be heard by the Commission. That right does not extend to persons who made counter representations. People are entitled to represent themselves at a hearing but if they need help to present their case, they may wish to appoint a professional adviser.

[7] When the hearing sessions are concluded, the Commissioner will prepare a report to the Department, make recommendations and give reasons for the recommendations. On receipt of the report, it will be for the Department to decide whether to direct the council to adopt the plan as submitted, adopt it with modifications, or withdraw it.

Soundness

[8] The purpose of an examination is to determine whether a plan satisfies statutory requirements and is sound. Legal compliance and soundness are overlapping concepts. In carrying out the examination, the Commissioner will apply a series of tests derived from the Department's Development Plan Practice Note 06. These tests are set out in Appendix 3.

[9] It is very important that all participants appreciate that the focus of the examination and the Commissioner's report will be on the **soundness** of the plan and not on individual representations or sites. This represents a fundamental change from the development plan system that existed before the 2011 Planning Act came into force.

Making Representations

[10] People who make representations seeking to change a plan are strongly advised to state clearly why they consider the plan to be unsound, having regard to the tests in Appendix 3. If the council provides a form for making representations, it should be used. Each suggested change should be the subject of a separate representation. Every representation should say precisely how the plan should be changed in order to achieve soundness. It should be supported, **succinctly**, by all the evidence thought necessary to justify the proposed change. **There will be no further opportunity to submit information unless the Commissioner requests it.**

[11] The substance of the representations is of more significance than the number of people making representations. Where several people share a common view on how a plan should be changed, they are encouraged to co-operate with each other, pool resources and make a single representation.

[12] Persons who make representations seeking to change the plan should indicate whether they are content to have their representations considered in written form only or whether they wish to be heard orally. **The Commission will give every representation the same careful consideration regardless of whether the person who made it is heard orally or not.**

Submitting the Plan

[13] The 2011 Planning Act states that a council must not submit a plan to the Department unless it has complied with the requirements of the Local Development Plan Regulations and unless it thinks that the plan is ready for independent examination. This calls for a critical and rigorous self-assessment of the plan by the

council's planning team. The starting point for any examination will be that the council has submitted what it believes to be a sound plan.

[14] The council is required to send the Department certain prescribed documents in addition to the plan. These include:-

- an appraisal of the sustainability of the plan;
- the council's statement of community involvement and evidence that the council has complied with it;
- statutory notices published at various stages of plan preparation;
- the timetable for plan preparation; and
- a summary of the main issues raised in response to the council's preferred options paper and of how those responses were taken into account.

[15] The council is also required to send a copy of all representations made in response to the plan and all counter representations relating to specific sites. It is vitally important that a complete, legible and clearly indexed set of responses is provided, otherwise the examination process may be delayed. The Department will make the representations and counter representations available to the Commission. **No one need correspond directly with the Commission in order to register an interest.**

[16] Before the plan is submitted, the council's planning team should carefully categorise and analyse all representations and counter representations. The council should set up a database to manage the responses received. It should be structured so that the representations are capable of being listed in various ways, including by person, contact details, soundness test, policy, paragraph, plan map and site address; and so that counter representations can be linked to representations and vice versa. The database should highlight those representations where an oral hearing is required.

[17] The council is also required to send at submission stage a summary of the main issues raised in the representations and any supporting documents that in the council's opinion are relevant to the preparation of the plan. While it is not a statutory requirement, it would be very helpful if the council were to set out its views on the main issues it has identified, perhaps in a series of topic papers, as well as its comments on all the representations. Other documents likely to be necessary for the examination include any technical supplements prepared by the council to inform plan making, any assessment carried out under the Habitats Regulations and the council's self-assessment of legal compliance and soundness.

[18] The Department will make available to the Commission all information provided by the council at submission stage. The Programme Officer will ensure that this information is uploaded to a dedicated area on the Commission's website. The website will be updated regularly as the examination proceeds.

Initial Assessment

[19] The Commissioner's first tasks when starting work on a plan will be to consider whether the council has submitted all the information necessary to enable the examination to proceed, to check that all essential regulatory steps have been taken, and to identify any fundamental concerns about the plan's contents. If the Commissioner forms an early view that the plan may have serious shortcomings

indicative of unsoundness, these will be raised, in writing, with the council and with anyone who made representations related to those concerns.

[20] Depending on the replies received, the Commissioner may call an **exploratory meeting** with the council and the other relevant parties to discuss the concerns. That will normally happen in advance of the opening of the examination hearings. The Commissioner will lead the meeting, communicate his or her concerns, and invite the participants to give their views. If the concerns are resolved to the Commissioner's satisfaction, the examination process will proceed to the hearing sessions.

[21] Where, as a result of the exploratory meeting, the Commissioner concludes that there remain serious concerns which are unlikely to be overcome, he or she may send an interim report to the Department recommending it to direct the council to withdraw the plan. Alternatively, the Commissioner and the parties may agree that the examination process should be suspended to allow the council to undertake further work. A partial suspension affecting only certain elements of the plan is a possibility, provided those elements are distinct and separate and unlikely to undermine the soundness of the remainder of the plan.

Pre Hearing Stage

[22] If no obvious procedural deficiencies are manifest, or if any concerns that have arisen have been overcome, the Commissioner will set a date for the opening of the public hearings and make an estimate of how long they are likely to last. This indicative timetable will be notified to everyone who has the right to take part about eight weeks before the opening date. It will also be posted on the Commission's website.

[23] No one should send in written material unless the Commissioner requests it. **Unsolicited material will be returned or disregarded.** The Commissioner will ask for further written evidence from the council and other relevant parties if he or she identifies gaps in the information which are critical to assessing the plan's soundness. The Commissioner may, for example, identify soundness issues that were not raised in the representations. Parties are encouraged where possible to narrow down the areas in dispute by agreeing facts and methodologies. The extent of any agreement should be identified in the written responses.

[24] The date for submission of responses to any particular information request will normally be the same for all parties concerned. An indicative word limit may be set. Responses may be submitted electronically provided file size is not excessive, but at least one paper copy must be provided. At least four copies will be required of any material submitted in paper format only. All responses received within the period specified will be placed on the website. **Responses received after the specified date will be returned or disregarded.**

[25] In-depth reading of the documentation will enable the Commissioner to identify the topics and issues that will be the focus of the examination, establish the structure and likely duration of the hearings, and pose relevant questions. **Topics** are the broad subjects to be considered – examples include settlement strategy, housing provision, natural and built heritage, and land subject to constraints. **Issues** are the matters on

which the Commissioner's assessment of the plan's soundness will depend. The Commissioner's **questions** will be designed to delve further into the issues.

[26] The Commissioner will draw up a detailed programme for the public hearings. The council will be expected to be represented throughout. Persons who have the right to take part will be allocated to hearing sessions, having regard to the topics they raised and the nature of the issues that the Commissioner will be probing. The programme and the lists of topics, issues and questions will be placed on the Commission's website and sent to all concerned about three weeks before the opening date. Those who indicated that they wished to appear will be asked to confirm that this is still the case.

[27] The Commissioner may invite persons or organisations who have not made representations to attend a hearing session where their evidence could be important in determining the soundness of the plan. For example, neighbouring councils or other public bodies may have specialist information or expertise that the Commissioner wishes to explore.

The Hearing Sessions

[28] On arrival at the hearing venue, people who have been invited to attend will be directed to the seats allocated to them at a rectangular table. Nameplates will be provided for each party. If there is not enough room at the table, additional representatives may sit behind the lead speakers and swop seats when necessary.

[29] The hearing sessions are public events and anyone may come along to observe. The press may attend but there will be no live coverage. Proceedings may be recorded only with the prior permission of the Commissioner and copies of the recording must be provided for the Commission and all who request them. If people who will be taking part or observing require disabled access or have hearing difficulties or other special needs, they should let the Programme Officer know well in advance.

[30] The Commissioner will conduct the hearing sessions and direct when people should speak. Written material will be taken as read and should not be repeated. All participants must respect the Commissioner's rulings. Any problems should be raised with him or her **in public** at an appropriate time during proceedings. The Commissioner will ensure that all topics and issues relating to soundness are properly discussed.

[31] The hearings will follow the pre-prepared programme and consider the topics, issues and questions which the Commissioner has identified. The Commissioner will lead a series of round-table discussions and draw parties into debate in a logical order. Participants may indicate their wish to speak by turning their nameplates on end. When no more is likely to be said to assist the Commissioner's conclusions on soundness, discussion will move on to the next item. Questioning between parties will not normally be permitted. Undue legalism will be discouraged as it can unnerve other participants and undermine the principle that everyone is an equal partner in discussion.

The Commissioner's Report

[32] At the end of the last hearing session, the Commissioner will indicate when he or she expects to deliver a report to the Department. The Commissioner will examine all the evidence relevant to soundness and where necessary visit relevant sites. In writing the report, the Commissioner will aim for brevity and concentrate on:-

- reaching clear, reasoned conclusions on the plan's compliance with the statutory requirements and its soundness; and
- setting out any modifications to the plan which are required to overcome any correctable shortcomings in regard to statutory requirements or soundness.

[33] The report will culminate in an overall recommendation as to whether the plan should be adopted, with or without modifications, or withdrawn. However, modifications will not be recommended unless they are considered necessary to make the plan legally compliant or sound and modifications which would make the plan unsound will not be recommended. Since the examination is not an inquiry into objections, the report will not summarise the cases of individual parties. Direct reference to specific representations or the people who made them will generally be avoided.

[34] The Department will be required to consider the Commission's recommendations but will not be obliged to accept them. Release of the report will be a matter for the Department.

Concerns about the Examination Process

[35] In carrying out its statutory responsibilities for independent examination of local development plans, the Commission will endeavour to provide a high quality public service. However, anyone who was involved in an examination process and is dissatisfied about the way it was conducted can make a formal complaint. Details of the Commission's complaints system are provided on its website www.pacni.gov.uk and a leaflet is available on request. Procedural decisions and rulings made by the Commission or the Commissioner can be challenged on a point of law by applying to the High Court for a judicial review. Anyone considering such a course should seek legal advice.

Commenting on the Draft Procedures

[36] This draft document is being forwarded to all planning authorities and to others in the planning community who come into regular contact with the Commission. Any comments should be made in writing to reach the Commission by no later than **Monday, 27th February 2017**. Comments should be e-mailed to info@pacni.gov.uk or posted or delivered to the Chief Administrative Officer, Planning Appeals Commission, Park House, 87/91 Great Victoria Street, Belfast, BT2 7AG. All comments received will be carefully considered. It is intended that a final version of the procedures will be published by the end of April 2017.

Appendix 1

DATA PROTECTION AND FREEDOM OF INFORMATION

The Data Protection Act regulates the processing of information relating to individuals, including the obtaining, holding, use or disclosure of such information. The Commission is fully committed to complying with the Act.

The Commission receives a range of personal information from a number of sources, which falls within the remit of the Data Protection Act. This includes representations about development proposals. The information received by the Commission varies but may include:-

- details of an individual's name, address and occupation;
- information about the health, personal or family circumstances of an individual; and
- an individual's opinions about a development proposal.

This information is held and considered by the Commission in accordance with the principles set out in the Data Protection Act. It is only used by the Commission for the purpose for which it was provided. It is only retained as long as reasonably necessary, usually no longer than three years from the completion of the Commission's work. However, all Commission reports and decisions must have clear reasons for the conclusions reached and it may be necessary to refer to an individual's personal or family circumstances in a report or decision, which may be retained indefinitely.

The Commission is a tribunal and must operate openly, fairly and impartially. All documents on casework files can be viewed by any member of the public, under the Commission's supervision.

An individual should therefore only provide personal or sensitive information that he/she accepts will be available to the public. No-one should present personal information about other people without their consent. Information provided will not be vetted or redacted by the Commission because of its role to carry out its functions as an independent decision maker in an open, fair and transparent manner.

Under the Data Protection Act, an individual can request access to his/her personal information held by the Commission. Such requests should be in writing and sent to the address below. There is a charge of £10 for requests and the person making the request will also need to send proof of identity.

A request made under the Data Protection Act should include:-

- the specific information which is being sought;
- who you are and how you can be contacted;
- how you would like to receive the information.

Please also identify any accessibility requirements you may have and if you need to receive the information in a particular format, for example, large print, Braille etc.

You are entitled to a response to your request within 40 calendar days. It is in the Commission's and your interests to hold accurate data. If the data is inaccurate, you can ask us to erase, amend or add to the information though you should note that personal or family circumstances referred to in a Commission report or decision cannot be changed. There will be no charge for this.

Any complaints about how the Commission dealt with requests about information will be processed in accordance with the Commission's Complaints System which is published under Publications on the Commission's website. These complaints will not be reviewed by the Complaints Audit Panel, see below.

If you remain dissatisfied with the Commission's response to your information request you may contact the Information Commissioner at

51 Adelaide Street
BELFAST BT2 8FE
Telephone number: (028) 9026-9380
Fax number: (028) 9026-9388
email address: ni@ico.gsi.gov.uk; or
website address: www.ico.gov.uk.

Requests for access to personal information should be sent to

The Chief Administrative Officer
Park House
87-91 Great Victoria Street
BELFAST BT2 7AG
Telephone number: (028) 9024-4710
Fax number: (028) 9031-1338
e-mail address: info@pacni.gov.uk
website address: www.pacni.gov.uk

The Commission reviews its procedures regularly to ensure continued compliance with the Data Protection Act.

Freedom of Information Act - The Commission is not identified as a Public Authority under the Act. The Environmental Information Regulations 2004 apply to any body that has public responsibilities relating to the environment, exercises functions of a public nature relating to the environment or provides public services relating to the environment. This could include the Commission but the Regulations do not apply to the extent that the Commission is acting in a judicial capacity. Nonetheless, as a tribunal which operates openly fairly and impartially, the Commission seeks to comply with the spirit of the Act and Regulations.

Appendix 2

THE EXAMINATION: THE MAIN EVENTS

The council submits the plan for examination to the Department and provides all necessary information including all representations and counter representations.

The Department refers the plan to the Commission and a Commissioner is appointed to conduct the examination. A Programme Officer is also appointed.

The Commissioner makes an initial assessment of the plan and holds an exploratory meeting if there are concerns of a serious nature.

The Commissioner, if content that the examination should proceed, may seek further written evidence from the council and others.

The Commissioner draws up a detailed programme for the hearings with topics, issues and questions, and allocates participants to particular sessions.

The Commissioner conducts the hearings.

The Commissioner prepares a report with recommendations and it is sent to the Department.

The Department considers the recommendations and decides whether to direct that the plan be adopted, modified or withdrawn.

Appendix 3

TESTS FOR SOUNDNESS

Procedural tests

P1. Has the plan been prepared in accordance with the council's timetable and the Statement of Community Involvement?

P2. Has the council prepared its Preferred Options Paper and taken into account any representations made?

P3. Has the plan been subject to sustainability appraisal including Strategic Environmental Assessment?

P4. Did the council comply with the regulations on the form and content of plans and on the procedure for preparing such documents?

Consistency tests

C1. Did the council take account of the Regional Development Strategy?

C2. Did the council take account of its Community Plan?

C3. Did the council take account of policy and guidance issued by the Department?

C4. Has the plan had regard to other relevant plans, policies and strategies relating to the council's district or to any adjoining council's district?

Coherence and effectiveness tests

CE1. Does the plan set out a coherent strategy from which its policies and allocations logically flow? Where cross boundary issues are relevant is it in conflict with the plans of neighbouring councils?

CE2. Are the strategy, policies and allocations realistic and appropriate having considered the relevant alternatives and they are founded on a robust evidence base?

CE3. Are there clear mechanisms for implementation and monitoring?

CE4. Is the plan reasonably flexible to enable it to deal with changing circumstances?

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January 2017



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Subject	Consultations notified to Mid Ulster District Council
Reporting Officer	Philip Moffett, Head of Democratic Services
Contact Officer	Ann McAleer, Corporate Policy and Equality Officer

1	Purpose of Report
1.1	To update members on the consultations notified to Mid Ulster District Council for comment, since the last meeting of Council.

2	Background
2.1	Council is a consultee for many government departments, statutory agencies and other bodies, and as such receives consultation documentation inviting commentary on a wide range of issues which may be pertinent to council services and/or the District.

3	Key Issues
3.1	Documentation relating to the aforementioned consultations can be accessed via the links provided in the table below:

4	Resources
4.1	<u>Financial</u> - N/A
4.2	<u>Human</u> - N/A
4.3	<u>Basis for Professional/ Consultancy Support</u> - N/A
4.4	<u>Other</u> - N/A

5	Other Considerations
5.1	Not applicable

6	Recommendations
6.1	Members review and note consultations notified to Mid Ulster District Council.

7	List of documents attached
7.1	Appendix A: Details of Current Consultations

Appendix A – Consultation Responses for Consideration				
Organisation	Consultation Title	Issue	Closing Date	Response Currently Being Developed
Department for Agriculture, Environment and Rural Affairs	Knowledge Framework (Education Strategy)	The draft DAERA Knowledge Framework sets out the rationale for the Department's involvement in education, knowledge and skills, what the Department seeks to achieve. The Framework is broader than solely education and also encompasses training and technology exchange provision.	27 February 2017	
	Link to Consultation Document	https://www.daera-ni.gov.uk/consultations/daera-knowledge-framework-education-strategy		
Department of Health	Consultation on Draft Adoption and Children Bill	The draft Adoption and Children Bill will modernise the legal framework for adoption. The substance of the Bill relates to adoption, although the Bill also proposes to make changes to the Children (Northern Ireland Order) 1995.	10 April 2017	
	Link to Consultation Document	https://www.healthni.gov.uk/consultations		
Antrim and Newtownabbey Borough Council	Love Living Here Community Plan	This documents contains the draft outcomes and indicators for the Community Plan. It is designed to provide a framework for informing how service	12 April 2017	
	Link to Consultation Document	https://consultations.antrimandnewtownabbey.gov.uk/cpandr/love-living-here		
Antrim and Newtownabbey Borough Council	Preferred Options Paper	This paper will help the Council to prepare the new Local Development Plan. It is designed to promote debate on the important issues	12 April 2017	
	Link to Consultation Document	https://consultations.antrimandnewtownabbey.gov.uk/cpandr/local-development-plan		
Department of Infrastructure	Consultation on Draft Bicycle Network 2017	This consultation sets out proposals for a bicycle network for Belfast. This proposed network will bring a good quality bicycle route within the reach of most people within Belfast. Developing this bicycle network will contribute to several Programme for Government outcomes.	13 April 2017	
	Link to Consultation Document	https://www.infrastructure-ni.gov.uk/consultations/draft-belfast-bicycle-network-2017-consultation		
Department of Economy	Economy 2023-A Consultation on Industrial Strategy for NI	This consultation document sets out The Department for the Economy's proposals to refocus our economic priorities up to 2030 and invites views on those proposals.	25 April 2017	
	Link to Consultation Document	https://www.economy-ni.gov.uk/consultations/industrial-strategy		

Appendix A – Consultation Responses for Consideration				
Organisation	Consultation Title	Issue	Closing Date	Response Currently Being Developed
Department of Health	Consultation on the Reformed Individual Funding Request (IFR) Policy Document and Guide for Patients and Service Users	This policy document outlines the conditions and criteria under which hospital consultants, on behalf of their patients, can make an application to the Individual Funding Request (IFR). The policy seeks to provide a clearer, more user friendly explanation of the process.	7 April 2017	
	Link to Consultation Document	https://www.health-ni.gov.uk/consultations		
Commissioner for Older People NI	Draft Disability Action Plan 2017-2020	The Commissioner for older people is committed to submitting an annual progress report on the implementation of this plan to the Equality Commission and carrying out a five year review of this plan, or plans submitted to the Equality Commission over the five year review period.	1 May 2017	
	Link to Consultation Document	http://www.copni.org/news/copni-consults-on-draft-disability.html		
Department for Transport	Consultation on Draft Airports National Policy Statement:	The consultation new runway capacity and infrastructure at airports in the South East of England	25 May 2017	
	Link to Consultation Document	https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/589082/consultation-on-draft-airports-nps.pdf		