

Minutes of Meeting of Mid Ulster District Council held on Thursday 2 March 2023 in the Council Offices, Circular Road, Dungannon and by virtual means

Chair	Councillor Corry
Members Present	Councillors Ashton*, Black*, Brown*, Clarke*, Colvin*, Cuddy, Doris*, Glasgow*, Hughes, Kerr*, Martin*, N McAleer*, S McAleer, McFlynn, S McGuigan, McKinney*, D McPeake*, S McPeake*, Milne*, Quinn* (7.10pm), Robinson*, and Wilson*
Officers in Attendance	Mr McCreesh, Chief Executive Mr McGuckin, Head of Strategic Services and Engagement (HoSS&E) Mrs Forde, Committee & Members Services Manager
Others in Attendance	NI Water - Representatives Dr Steve Blockwell Dr Gary Curran Mr Roy Mooney

* Denotes Members present in remote attendance

** Denotes Officers present by remote means

The meeting commenced at 7 pm.

The Chair, Councillor Corry welcomed everyone to the meeting and those watching the meeting through the Live Broadcast. The Chair in introducing the meeting detailed the operational arrangements for transacting the business of the meeting in the chamber and by virtual means, by referring to Annex A to this minute.

C057/23 Notice of Recording

Members noted that the meeting would be webcast for live and subsequent broadcast on the Council's You Tube site.

C058/23 Apologies

Councillor Burton, Graham, Kearney and Mullen

C059/23 Declarations of Interest

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

C060/23 Chair's Business

None

C061/23 Deputation – NI Wastewater Infrastructure Investment in Mid Ulster

The Chair Councillor Corry welcomed representatives of NI Water to the meeting.

Dr Blockwell delivered presentation (appendix a) outlining NI Water infrastructure, key challenges and available resources for the current year. He outlined the capital expenditure overview and detailed the investment plans across the district. Dr Curran outlined the ongoing development constraints, NI water response to planning applications. He outlined how NI Water were addressing the capacity issues and the associated economic constraints. Dr Curran outlined the two level approach both tactical and development and advised a development constraints project team had been established and encouraged early two way dialogue and engagement with regards to development and updated members on the launch of a digital service to increase online functionality.

Dr Curran outlined solution engineering options but the main solution currently was blue/green infrastructure intercepting storm water. He outlined particular developments in Magherafelt and Cookstown that were currently being discussed which would allow 130 houses to progress in Magherafelt and 15 in development in Cookstown.

Dr Curran drew attention to difficulties at semi detached properties in Dungannon and outlined a planning application which had been approved, which NI Water had advised against and it was believed NIEA had not been contacted. The planning approval appears to have no conditions in place. He advised they the

Dr Blockwell concluded the presentation.

The Chair, Councillor Corry thanked NI Water representatives for the presentation stating that it was somewhat sobering, she advised that Council had lobbied with regard to funding for infrastructure, welcomed the points raised in relation to innovation and technical solutions but expressed concerns about some of the areas outlined. The Chair invited Members questions.

Councillor Milne thanked NI Water representatives for the presentation and spoke of the proposed upgrade for waste water treatment planned for Bellaghy. He said he had wrote to NI Water as people's plans were being turned down in relation to lack of sewage. He highlighted that plans had been passed for 200 houses and these together with other economic plans were on hold due to planned upgrades. He asked where these planned works were on the timeline for delivery.

Dr Blockwell said that the PC21 programme covered a six year period whilst he did not have an exact date it would be delivered within the programme.

Council Colvin thanked NI Water representatives for their presentation and stated he had been encouraged by some of the plans but had however a number of issues. He sought clarity as to who sorts out difficulties such as foul odours in relation to temporary treatment plants.

In response Dr Curran advised that if the temporary treatment plant was privately owned it was an issue for the developer and or residents to resolve and foul odours was often a consequence if the plant was close to buildings whereas NI Water would have an exclusion zone surrounding treatment plants.

Councillor Colvin referred to the robust responses to planning consultations and asked when they would commence.

In response Dr Curran said they are already in play and further rational is another step in the process. He said that if they are recommending that plans are not approved due to lack of infrastructure they would also name the watercourses likely to be impacted if there is overflow.

Councillor Colvin referred to the water pumping station at Newmills which is inhibiting development on a linear path and asked if there was any possibility in having it moved to another location.

In response Dr Curran stated that infrastructure would not be moved to accommodate a linear park/path but they would provide costings on the works and if these were met it would be considered.

Mr Mooney concurred and requested Councillor Colvin provide details of the request following which he would give an update.

Councillor N McAleer requested that Dr Blockwell and or Dr Curran make direct contact with him as he had specific queries regarding Killygonlon.

Dr Curran stated he would be happy to do so.

Councillor S McPeake thanked NI Water representatives for the presentation and extended his thanks to Mr Mooney who had assisted a specific developer with an issue in his DEA. He said that the lack of capacity was alarming and asked if a developer builds temporary treatment works to a certain specification would NI Water adopt. He referred to area projected graphs which NI Water had included in a presentation to council in the past which outlined capacity and potential gaps and asked if an update on these could be circulated to Members. Councillor McPeake also asked how NI Water prioritise works in the district and asked if to prioritise the three main towns would be to the detriment of smaller towns and villages.

Mr Mooney said in relation to temporary treatment plants NI Water had developed a criteria and if plants are built to the specified standard which would include sustaining testing, proximity to other properties in terms of odour and noise they would be adopted. He said that NI Water had a specialised team who had this remit and adoption of such works enables developments to proceed.

Dr Blockwell said that the maps which formed part of the PC21 plans were coded red, amber and green and that they also provide a list of areas where there are capacity problems. He said they encourage developers to use the processes in place and conduct impact assessments. He said that sometimes treatment works

can be fixed but there may still be capacity issues. He said they also communicate the capacity problems in smaller hubs and that going forward with new technology and development such issues could be dealt with.

With regard to prioritising investment Dr Blockwell said NI Water are regulated by price control process, environmental impact and priority is also given to what works would benefit the most number of people. He said the process is worked out with partners such as NIEA and the Consumer council. He said there is a matrix which includes criteria and analysis such as growth pressures. He concluded that there are over 200 large treatment works which need priority, 45 of which are in current block but unfortunately there would be more capacity issues down the line.

Councillor S McAleer thanked NI Water representatives for the presentation and welcomed the developer constraints project team. She said that the lack of sewage capacity in rural areas was stifling housing development as given that developments tended to be a small number of houses to install a treatment plant was not cost effective. She sought a way forward.

Dr Curran said that the difficulty in the Clogher DEA was that were population is light the network would not extend but there were means of overcoming issues but it was at the developers expense. He said there was little opportunity for NI Water to expand into such areas as trying to move small amounts of sewage around is impractical but for a single house a septic tank was a practical solution.

Councillor S McAleer said that the area in question was in Cabragh and the development would be four houses.

Dr Curran said that he was familiar with the area and that there is a sewer network which links to a small NI Waste Water Treatment works but the area in question may be just beyond the network but said if the Councillor forwarded him the specifics he would follow up.

Councillor S McGuigan said that developer led initiatives had already been addressed but asked if that type of initiative, temporary treatment works, was taking over NI Water responsibility. He said in places where there is a small network of private development and temporary treatment works go wrong it will ultimately pose bigger problems in the future.

Dr Curran said that since the initiation of the pre planning team there had been over 4300 applications the vast majority of which had been approved, 2300 approved, 800 approved with constraints and the remainder had been refused. He said outright refusal numbers were small and the figures were based across the province. He indicated that refusals sometimes could be turned around and approval with mitigations issued. He said in terms of sites where there were difficulties if they were not adopted NI Water did not get directly involved thus the emphasis on installing to specific standard for adoption. He said that applications were not refused for the sake of it but to protect the environment and thus it was paramount for developers to meet the standard specifications to have plants adopted.

Councillor McGuigan said there were some developments that the developer was now out of business, the temporary treatment works was not fit for purpose and what was happening in such instances.

Dr Curran said it is not pleasant for householders to be in these circumstances but if the works was not up to standard NI Water would not adopt and it was not their responsibility.

Councillor Martin thanked NI Water representatives for the presentation thanked Mr Mooney to whom she had regular contact with over issues. She sought clarity as to whether the £12.5 m outlined in the presentation was to enhance the existing and would it create more capacity.

Dr Blockwell said it was to carry out repairs but often improvements allows more capacity especially if storm water is diverted. He said there would be works on pumping stations and screens to prevent overflowing which is limited to adverse weather

Councillor Martin welcomed the increased capacity and said her generation were endeavouring to purchase homes but could not get them in Cookstown area. She concluded by welcoming the communication with developers and NI Water prior to applications being submitted.

Councillor Wilson thanked NI Water representatives for the presentation and also thanked Mr Mooney for his continual assistance. He referred to the upgrading of the system in Cookstown and asked if the predicted time frame of 2024 was still in place. He referred to communications with planners and said he was not aware of the situation in Dungannon which had been referred to. He sought clarity as to whether NI Water could prohibit planning and spoke of the development in Cookstown that people had bought houses but could not move in because the developer could not get the connection to the main sewer.

Dr Blockwell said in relation to the situation in Cookstown that there was engagement with NIEA and regarding the upgrade of the system he would provide future clarity regarding the 2024 timeframe but assured Members there was progress. With regard to query regarding planning he said NI Water provide the information to the planners and it is up to them how they use it.

Mr Mooney concurred that NI Water provide robust responses to planning and recommend refusal if there are capacity issues unless the developer agrees to implement a solution. He reiterated that NI Water provide a response to applications but do not have the remit to stop construction. He highlighted that discussion needs to take place prior to planning applications and planners need to outline restrictions. He emphasised that only planning have the authority to stop the developer proceeding and advised in relation to the Dungannon application highlighted in the presentation there were no restrictions in place.

Dr Curran further advised that NI Water were engaging with the Law Society to ensure that when people are purchasing houses they are aware that the proper

processes are in place and said that the number of unadopted sites were reducing and currently there was a more efficient approach.

Councillor McKinney thanked NI Water representatives for the presentation and said some of the information was not what Members wanted to hear and asked if budget was in place for the investment outlined or if it was based on hope. He referred to the capacity in Moyola DEA and said since he had come into Council the situation had not changed and the forecast appeared to be that it could be 15-18 years before the infrastructure was up to standard. He said when he had built his home storm water was channelled in one direction and waste in another and this should always be the case. He said currently what seemed to be happening was the same as it had been in the 1970s and surely clean water should be channelled separately. He said that with lack of capacity new ideas needed to be investigated.

Dr Curran said that their funding allocation is on annualised basis but that the utility regulator had signed off on the recommended amount and thus it should be forthcoming. With regard to storm water he said that legislation had changed and in new developments going forward water had to be separated, and also that when storm water was entering the network they were strategically endeavouring to separate to free up capacity. He concluded that in urban systems methods was being looked at to allow water to filter into ground rather than enter the network.

Councillor Clarke said he had been in communication with NI Water regarding villages in his DEA but had not had a response on a development matter and requested that the representatives revert to him directly to discuss.

Dr Blockwell confirmed they would.

Councillor Clarke said that he was a Member of the planning committee and that it had targets to meet and was NI Water indication that they should halt applications or leave them pending. He said applications in rural areas and small settlements should not be left out of investment and water treatment should not be more expensive for them. He said both rural and urban centres deserved a fair crack of the investment. Councillor Clarke reflected that construction costs had risen considerably and it reminded him of a story of a man complaining about a few extra pence being added to the pint, and the publican saying that enough hadn't been drunk when it was cheap. In comparison he said was enough infrastructure not put in place when it was cheaper to do so.

Dr Curran said he accepted planning committee had targets to reach but reiterated that NI Water provide the guidance and it is up to the planning committee to decide if applications can proceed. He further reiterated that NI Water were encouraging developers to engage prior to submitting applications then mitigations could be outlined to both planners and the developers.

Dr Curran emphasised that the applications alluded to in the presentation developers had not come to NI Water. He said his ask was that developers and planners engage early with NI Water in order to eliminate problems going forward.

Councillor Clarke said he did not want to see rural areas disadvantaged any further.

Dr Blockwell said that the issues had not arisen overnight but materials had become more expensive and there is underfunding which is down to political position. He said that protecting the environment is not an option and that NI Water are held to account. He said they had ambitious plans but they had to be funded and with no NI Assembly in place it was difficult but ultimately politicians had to put the funding in place.

Councillor Cuddy asked if in relation to the planning application in Dungannon if NI Water had put a submission into planning committee. He also sought clarity if the £48.8m in the presentation would bring improvements to Moygashel as there was a development ready to commence if water issues were sorted. In conclusion he asked if NI Water had any plans in place to generate their own electricity.

Dr Blockwell said NI Water had some hydro in place and were looking at growing the wind resource and said there was opportunities for renewables. With regard to Dungannon he said the business case was approved but it would take several years to implement works and currently there were network restrictions. Again it was reiterated for developers to work with the development constraints project team.

Mr Mooney said that in relation to the planning application in Dungannon NI Water had been very robust in the response and had been clear there was no capacity and it should be refused. He clarified that the works in Dungannon would be upgraded going forward but there would still be restrictions but again the constraints development team would endeavour to identify solutions.

Dr Curran in relation to the Dungannon application referred to said that NI Water had been consulted but NIEA had not been.

Councillor McFlynn thanked representatives for the presentation and welcomed future investment. She said she was delighted that the works at Ballyronan had commenced and asked when they would be completed. She said young people were finding it difficult to get homes but also there was great industry in the district and Council was endeavouring to attract companies to come to the district. She said this would lead to job creation and people following education returning to the district to take up careers and have families.

In response to Councillor McFlynn Dr Blockwell advised that he would revert back regarding the date for Ballyronan.

The Chair, Councillor Corry thanked NI Water for the presentation and requested that they follow up with the proposed dates for planned works outlined in the presentation. She concluded that there appeared to be light at the end of the tunnel to resume the NI Assembly and that Council would do all it could to lobby for investment in the district.

C062/23 Duration of Meeting

The meeting was called for 7.00 pm and ended at 8.37 pm.

Chair _____

Date _____

Annex A - Introductory Remarks from Chairperson

Good evening and welcome to our meeting of Mid Ulster District Council in the Chamber, Dungannon whether you have joined us remotely or in the Chamber.

I specifically welcome the public watching us through the Live Broadcast. The Live Broadcast will run for the period of our Open Business but will end just before we move into Confidential Business. I let you know before this happens.

Just some housekeeping before we commence. Can I remind you:-

- If you have joined the meeting remotely please keep your audio on mute unless invited to speak and then turn it off when finished speaking
- Keep your video on at all times, unless you have bandwidth or internet connection issues, where you are advised to try turning your video off
- If you wish to speak please raise your hand in the meeting or on screen and keep raised until observed by an Officer or myself
- Should we need to take a vote this evening I will ask each member to confirm whether they are for or against the proposal or abstaining
- When invited to speak please introduce yourself by name to the meeting
- For any member attending remotely, if you declare an interest in an item, please turn off your video and keep your audio on mute for the duration of the item
- If referring to a specific report please reference the report, page or slide being referred to
- Lastly, I remind the public and press that taking photographs of proceedings or using any means to enable anyone not present to see or hear proceedings, or making a simultaneous oral report of the proceedings are not permitted

Thank you and we will now move to the first item on the agenda – apologies and then a roll call of members in attendance.