

**MINUTES OF MEETING OF DUNGANNON AND SOUTH TYRONE BOROUGH
COUNCIL HELD ON MONDAY 9 NOVEMBER 2009 IN THE COUNCIL
OFFICES, CIRCULAR ROAD, DUNGANNON**

- MEMBERS PRESENT:** In the Chair, Councillor Mulligan, Mayor
- Councillors Brush, F Burton, R Burton, Cavanagh, Cuddy, Currie, Daly, Donnelly, Gildernew, Gillespie, Greenaway, Hamilton, McGuigan, McGonnell, McLarnon, McMahon, Molloy, Monteith, Morrow and O'Neill
- APOLOGIES:** Councillor Badger, Director of Environmental Health
- OFFICERS PRESENT:** Mr Currie Head of Human Resources
Mr Frazer Acting Chief Executive
Mrs Kerr Director of Finance
Ms Linney Corporate Strategy & Policy Officer
Mr McClelland Director of Building Control
Mr McMinn Director of Technical Services
Mrs Smith Council Business Manager
- IN ATTENDANCE:** Mr Shane Mathers, Senior Development Control Officer

The meeting started at 7.30 pm

1 MAYOR'S COMMENTS

1.1 Condolences

The Mayor, on behalf of the Council, expressed sympathy with Councillor Gildernew on the death of his brother and with Mr Alan Burke, Director of Environmental Health, on the death of his father. All stood for a minutes silence as a mark of respect.

Councillor Gildernew, on behalf of himself and the family, thanked the Mayor for the remarks and thanked members and staff who attended at the home and funeral.

2 MINUTES – COUNCIL – 12 OCTOBER 2009

Proposed by Councillor McGuigan
Seconded by Councillor McMahon and

Resolved That the minutes of the meeting of the Council held on Monday 12 October 2009, having been printed and circulated, be taken as read and signed as correct.

3 PLANNING

Mr Mathers was admitted to the meeting at 7.34 pm and submitted planning schedule dated 9 November 2009.

3.1 Schedule

Application No	Applicant	Action
M/2008/1199/LB	Dungannon & South Tyrone Borough Council	Declaration of interest to be declared for all members of the Council
M/2008/1200/F	Dungannon & South Tyrone Borough Council	Declaration of interest to be declared for all members of the Council
M/2008/1232/F	Octon Developments Ltd	No representation – decision to issue
M/2008/1241/LBa	Octon Developments Ltd	No representation – decision to issue
M/2009/0534/F	Augher & Clogher Clay Pigeon Club	Defer for office meeting
M/2009/0585/F	Hughes	Defer for office meeting
M/2009/0641/F	Tyr-Arm Ltd	Defer for office meeting
M/2009/0643/F	Quinn	Defer for office meeting. Concern expressed at question of enforcement as previous application went before appeals, proposal lost and given one year to remove structure.
M/2009/0648/F	Devlin	Design issue meeting to be held at Planning Office with case officer – onus on applicant/agent to arrange.

M/2009/0660/F	Wilson	Amended plan submitted – generally acceptable – defer to next month
M/2009/0666/F	Edwards	Defer for office meeting
M/2009/0667/F	Mallon	Defer for office meeting
M/2009/0668/F	Hackett	Design issue meeting to be held at Planning Office with case officer – onus on applicant/agent to arrange.
M/2009/0692/F	Hasson	Defer for office meeting
M/2009/0696/F	Herron	Defer for office meeting
M/2009/0706/F	McKeown	Design issue meeting to be held at Planning Office with case officer – onus on applicant/agent to arrange.
M/2009/0708/F	Nugent	Defer for office meeting
M/2009/0711/O	Neill	Defer for office meeting
M/2009/0715/F	McAteer	Defer for office meeting
M/2009/0721/F	Clonmore Farms Ltd	Defer for office meeting
M/2009/0723/O	Hackett	Defer for office meeting
M/2009/0725/F	McGeary	Defer for office meeting
M/2009/0726/F	McMinn	Defer for office meeting
M/2009/0730/O	McAtasney	Defer for office meeting
M/2009/0731/F	Campbell	Defer for office meeting
M/2009/0735/O	Stafford	Defer for office meeting
M/2009/0736/F	First Step Women's Centre	Councillor F Burton declared an interest in this application
M/2009/0745/F	McCaul	Defer for office meeting
M/2009/0756/F	McDowell	Defer for office meeting
M/2009/0758/F	Dilworth	Defer for office meeting
M/2009/0759/F	Cuthbertson	Defer for office meeting
M/2009/0767/F	Bingham	Defer for office meeting
M/2009/0768/F	McLean	Defer for office meeting
M/2009/0773/F	Mallon & Coote	Defer for office meeting
M/2009/0780/F	SELB	Defer for office meeting
M/2009/0796/F	Cullen	Defer for office meeting
Deferred List		
M/2007/1244/F	McKee	Hold for 5 days to allow agent/applicant to discuss with planners

M/2008/0063/F	Linergy Ltd	Refer to Management Board
<p>Some members felt that concerned residents had not be provided with feedback as agreed while others felt that every opportunity for feedback was given; ie further consultation event was held by Linergy Ltd and office meeting had been held.</p> <p>Proposed by Councillor McGonnell Seconded by Councillor Gildernew</p> <p>That this application be referred to the Management Board.</p> <p>Amendment Proposed by Councillor Molloy Seconded by Councillor McMahon</p> <p>That the decision of the Planners be accepted.</p> <p>The amendment was put to the meeting 9 (nine) voting in favour and 12 (twelve) against.</p> <p>The Proposal was put to the meeting 12 (twelve) voting in favour and 7 (seven) against.</p> <p>The proposal was carried with application being referred to the Management Board.</p> <p>The Planning Officer asked on which of the three criteria being referred under. Referred due to application having generated strong local/neighbourhood objections.</p> <p>In response to question the Planning Officer advised that further information/objections received in recent days, has been fully considered and still of the opinion to approve.</p>		
M/2009/0239/F	Salt	Hold for 5 days to allow agent/applicant to discuss with planners
M/2009/0386/F	Kelso	Hold for 5 days to allow applicant/agent to discuss with planners
M/2009/0543/F	McIntosh	Hold for 10 days to allow applicant/agent to submit further information
M/2009/0566/F	Hughes	Any dwelling in the back garden not acceptable – decision to issue.

3.2 M/2008/0496/F – Mixed use Development at Ballygawley Road, Dungannon

In response to update the Planning Officer advised that having agreed the principle of development on site have requested amended layout and looking at article 40 planning agreement.

3.3 M/2007/0831/F - Development of Retail Space and Apartments at Anne Street, Dungannon

In response to update the Planning Officer advised that plans submitted for Roads Service approval and agent omitted to show levels on the site and revised plans expected to be forthcoming.

Mr Mathers left the meeting at 8.33 pm.
Councillor Currie left at 8.33 pm.

4 MATTERS ARISING – COUNCIL – 12 OCTOBER 2009

None.

5 MINUTES – DEVELOPMENT COMMITTEE – 26 OCTOBER 2009

Proposed by Councillor McGuigan
Seconded by Councillor McGonnell and

Resolved That the minutes of the meeting of the Development Committee held on Monday 26 October 2009, having been printed and circulated, be taken as read and adopted.

5.1 Aughnacloy Play Group (item 2.4)

Member referred to Council's decision to lease land at Aughnacloy Playing Fields to Aughnacloy Play Group. This land is zoned for the provision of open space. In order for the play group development to proceed it would be necessary for the Council to apply to have the land rezoned. As it can be demonstrated that there is strong community benefit

Proposed by Councillor Hamilton
Seconded by Councillor Brush and

Resolved That the Council applies for the rezoning of lands at Aughnacloy Playing Fields that are to be leased to Aughnacloy Play Group.

5.2 ICBAN Event (item 4.1)

Councillor Daly to attend event scheduled for Wednesday 11 November 2009 at Westville Hotel, Enniskillen re 'Sustainability – Joining Up Our Future'.

5.3 Dungannon & South Tyrone District Policing Partnership (DPP) (item 2.2)

The Acting Chief Executive advised that under the agreed d'Hondt grid Councillor Gildernew, Sinn Féin will take the Chair of DPP for the period 1 December 2009 to 30 November 2010.

6 MINUTES – PUBLIC SERVICES COMMITTEE – 27 OCTOBER 2009

Proposed by Councillor Gillespie
Seconded by Councillor McLarnon and

Resolved That the minutes of the meeting of the Public Services Committee held on Tuesday 27 October 2009, having been printed and circulated, be taken as read and adopted.

6.1 Allocation of Landfill Tax Funding (Landfill Communities Fund) (item 5.1)

Head of Human Resources declared an interest in Edendork GAC being a committee member.

Acting Chief Executive advised that information in minute not factually correct in that application for Edendork GAC was submitted by Chairman of Club not Head of Department.

Councillor Currie returned at 8.37 pm

7 MINUTES – CORPORATE SERVICES COMMITTEE – 28 OCTOBER 2009

Proposed by Councillor F Burton
Seconded by Councillor Gillespie and

Resolved That the minutes of the meeting of the Corporate Services Committee held on Wednesday 28 October 2009, having been printed and circulated, be taken as read and adopted.

7.1 ICT – Computer Desktops (item 1.3)

Member referred to Transition Committee and issue discussed whereby ICT systems within cluster group and central group are not compatible.

8 MINUTES – CORPORATE POLICY, PLANNING & EQUALITY COMMITTEE – 29 OCTOBER 2009

Proposed by Councillor McMahon
Seconded by Councillor McGuigan and

Resolved That the minutes of the meeting of the Corporate Policy, Planning & Equality Committee held on Thursday 29 October 2009, having been printed and circulated, be taken as read and adopted.

8.1 Local Government Service Delivery – Economic Appraisal

The Acting Chief Executive stated that response was due last Friday and Transition Committee has considered issue and has requested extension of time. It was felt that each Council within cluster should have its own corporate response as well as a response from Transition Committee.

Corporate Strategy & Policy Officer stated that following presentation last Wednesday, comments had been put into paper, copy of which has been circulated, to try to bring out Council's opinion on the document.

During discussion it was felt there was a lack of clarity in the PWC report, there was a difference of opinion in relation to which option to support, the role of the Business Services Organisation and how waste organisations were being handled. It was felt it would be useful to hear the views of Finance Officers and SOLACE before response prepared.

Councillor Gildernew left at 9.12 pm, Councillor McGonnel left at 9.25 pm and Councillor F Burton left at 9.28 pm during above discussion.

The Acting Chief Executive suggested that executive powers be given to the Corporate Policy, Planning and Equality Committee at the November meeting to deal with this issue.

Resolved That holding reply is sent and that Executive Powers be given to the November meeting of the Corporate Policy, Planning and Equality Committee to deal with this issue and agree corporate response.

9 PAYMENT OF ACCOUNTS

Proposed by Councillor O'Neill
Seconded by Councillor Currie and

Resolved That the accounts as presented, list dated 9 November 2009 and euro listing dated November 2009 be approved.

10 DRAINAGE COUNCIL FOR NORTHERN IRELAND

The Mayor invited nomination of additional representative, to serve with Councillor Gillespie, on The Drainage Council for Northern Ireland for period 2009 to 2011.

Resolved That Councillor R Burton be nominated.

11 PROJECT BOARD - RE-ESTABLISHMENT OF THE DERRY – STRABANE – OMAGH – DUNGANNON – PORTADOWN GNR RAIL LINK

The Mayor invited nomination of two representatives to Project Board re Re-Establishment of the Derry – Strabane – Omagh – Dungannon – Portadown GNR Rail Link.

Resolved That Councillors Currie and O'Neill be nominated.

12 SEALING OF DOCUMENTS

Proposed by Councillor Cavanagh
Seconded by Councillor Monteith and

Resolved That the Council seal be affixed to the undernoted documents:

Fivemiletown Community Development Association and
Northern Ireland Electricity plc
Counterpart Lease (Substation Site at Lurganclabby
Fivemiletown)
(Council was a funder to Fivemiletown Development Association
and agreement was to establish a charge.)

Contract of Grant Assistance for Castle Hill between
The Trustees of the National Heritage Memorial Fund and the
Council

Acceptance of grant offer for Castle Hill Arts Project from Arts
Council of Northern Ireland.

13 MISCELLANEOUS MATTERS

13.1 Castle Hill – MORPH Proposal for former TA Centre

The Acting Chief Executive advised that as instructed by the Council he had met with representatives of MORPH and Niamh Louise Foundation in relation to proposal to use former TA Centre at Castle Hill for community project. The group has prepared extensive documentation for a major development proposal which could attract 100 per cent funding. Deadline for submissions is Friday 13 November 2009 and rules of grant are that expression of interest has to be made by a statutory body and representatives asking the Council to be the lead agency. The Acting Chief Executive whilst supporting the project expressed caution as the proposal may in the long run jeopardise the Council's project.

Resolved That the Council act as lead agency for the expression of interest.

Member stated that in the interest of openness and transparency and in light of need for community facilities by other groups has the Council acted in the best interest of the entire community.

The Acting Chief Executive stated that this organisation has come forward with a proposal with all the necessary documentation in place.

13.2 SWaMP

Proposed by Councillor Cuddy
Seconded by Councillor Hamilton and

Resolved That Councillor Mulligan replace Councillor Badger on SWaMP.

13.3 Achievement

Member requested the Mayor to recognise Naomh Colum Cille who won the Ulster Junior Hurling Championship.

13.4 SW Cluster Peace III Programme - Leadership in a Shared Society

Resolved That Councillor O'Neill take part in this project.

14 OTHER RELEVANT BUSINESS

The undernoted correspondence having previously been circulated was noted by the Council:

14.1 Department for Social Development

Letter dated 11 October 2009 re state pension changes: six month countdown.

14.2 Post Office

Letter dated 5 October 2009 re Post Office, The Oaks Branch, Unit 5 -6 The Oaks Centre, Oaks Road, Dungannon, decision – branch relocation.

14.3 Other Councils

Letter dated 6 October 2009 from Ballymena Borough Council re British Forces Post Offices in Mainland Europe.

Letter dated 14 October 2009 from Newry & Mourne District Council re implementation of the NI Autism Bill.

15 DURATION OF MEETING

The meeting was called for 7.30 pm and ended at 9.40 pm.

MAYOR _____

CHIEF EXECUTIVE _____
(Acting)