



22 February 2024

Dear Councillor

You are invited to attend a meeting of the Council to be held in The Chamber, Dungannon and by virtual means at Council Offices, Circular Road, Dungannon, BT71 6DT on Thursday, 22 February 2024 at 19:00 to transact the business noted below.

A link to join the meeting through the Council's remote meeting platform will follow.

Yours faithfully

Adrian McCreesh  
Chief Executive

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## AGENDA

### OPEN BUSINESS

1. Notice of Recording  
This meeting will be webcast for live and subsequent broadcast on the Council's You Tube site [Live Broadcast Link](#)
2. Apologies
3. Declarations of Interest  
Members should declare any financial and non-financial interests they have in the items of business for consideration, identifying the relevant agenda item and the nature of their interest.
4. Chair's Business

### Matters for Decision

- |    |   |         |
|----|---|---------|
| 5. | Council minutes of meeting held on 25 January 2024                      | 5 - 30  |
| 6. | Planning Committee minutes of meeting held on 6 February 2024           | 31 - 62 |
| 7. | Policy & Resources Committee minutes of meeting held on 8 February 2024 | 63 - 70 |
| 8. | Special Council (Rates) minutes of meeting held on 12 February 2024     | 71 - 80 |

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| 9.  | Environment Committee minutes of meeting held on 13 February 2024 | 81 - 88   |
| 10. | Development Committee minutes of meeting held on 15 February 2024 | 89 - 114  |
| 11. | Conferences, Seminars and Training                                | 115 - 118 |

Matters for Information

- |     |                       |           |
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| 12. | Consultations         | 119 - 130 |
| 13. | Correspondence Report | 131 - 140 |

Notice of Motions

14. Notice of Motion - Councillor Johnston to move -  
That this Council welcomes that between January and June 2023 there were no cases reported of measles in the North.

We note with concern a death in the Republic due to measles and the increase in England and Wales of the disease, and we emphasis the importance of having children up to date with MMR vaccinations.

This Council affirms its support to maintain Northern Ireland as measles-free, and will undertake a public information and education campaign via print and social media to highlight to parents and guardians the importance of MMR vaccinations.

**Items restricted in accordance with Section 42, Part 1 of Schedule 6 of the Local Government Act (NI) 2014. The public will be asked to withdraw from the meeting at this point.**

Matters for Decision

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| 15. | Council Confidential minutes of meeting held on 25 January 2024                      |
| 16. | Planning Committee confidential minutes of meeting held on 6 February 2024           |
| 17. | Policy & Resources Committee confidential minutes of meeting held on 8 February 2024 |
| 18. | Environment Committee confidential minutes of meeting held on 13 February 2024       |
| 19. | Development Committee confidential minutes of meeting held on 15 February 2024       |
| 20. | Small Settlements - ICT appointment - Castlecaulfield Recreation area                |
| 21. | Enterprise Licensing Agreement Tender  |

Matters for Information





**Minutes of Meeting of Mid Ulster District Council held on Thursday 25 January 2024 in the Council Offices, Circular Road, Dungannon and by virtual means**

<b>Chair</b>	Councillor Molloy
<b>Members Present</b>	Councillors Bell*, Black*, Brown, W Buchanan, F Burton, J Burton, Cahoon, Carney, Clarke*, Corry, Cuthbertson, Forde, Gildernew, Graham, Groogan, Kelly, Kerr, Mallaghan, Martin*, McAleer*, McConnell (7.06pm), McElvogue, McFlynn, McGuigan, McLean*(7.36pm), McLernon, McNamee, D McPeake, S McPeake*, McQuade, Milne*, Monteith, Quinn, Robinson, Totten*, Varsani and Wilson
<b>Officers in Attendance</b>	Mr McCreesh, Chief Executive Mr Black, Strategic Director Communities and Place (SD:CP) Ms Canavan, Strategic Director of Organisational Development Strategy and Performance (SD: ODSP) Mr Tohill Strategic Director of Corporate Services & Finance(SD: CSF) Mr McGuckin, Head of Strategic Services and Engagement (HoSSE) Mr Moffett, Assistant Director of Organisational Development Strategy and Performance (AD: ODSP) Mr O'Hagan, Head of ICT Mrs Forde, Committee and Member Services Manager
<b>Others in Attendance</b>	<b>Deputation:</b>  <b>Northern Health and Social Care Trust</b>  Jennifer Welsh, Chief Executive Owen Harkin, Deputy Chief Executive/Director of Finance Gillian Traub, Director of Operations Neil Martin, Director of Strategic Planning, Performance and ICT  <b>Southern Health and Social Care Trust</b>  Brian Beattie, Director of Adult Community Services Paula Tally, Assistant Director Quality Improvement

\* Denotes Members present in remote attendance

\*\* Denotes Officers present by remote means

\*\*\* Denotes Others present by remote means

The meeting commenced at 7 pm.

*The Chair, Councillor Molloy 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.*

#### **C001/24 Notice of Recording**

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

#### **C002/24 Apologies**

Councillors J Buchanan, Johnston

#### **C003/24 Declarations of Interest**

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

*Councillor Black declared an interest in Agenda Item 20 Policy and Resources Committee confidential minutes of meeting held on 11 January 2024 re PO13/24 2024/25 Insurances Update and Agenda Item 21 Update on Insurance Brokerage Tender*

#### **C004/24 Chair's Business**

The Chair, Councillor Molloy in his opening remarks said, "Members, even though we are almost through January, as this is our first meeting of 2024, I'd like to wish you all a Happy New Year. I look forward over the next twelve months to the Council continuing to demonstrate our commitment to the growth and development of this district for the betterment and benefit of our citizens. That commitment is something that Council staff demonstrate on a regular basis and I was delighted to attend our staff recognition awards shortly before Christmas past. Staff members who have recently completed a new qualification, spearheaded or contributed to successful projects that have led to nationally recognised awards, or have dedicated 30 years or more to serving our communities within our legacy and current Councils or within Planning, were recognised at the event in the Burnavon. I was struck by just how many of our staff have put in such an effort to be the best they can be within their role; who have gone that extra mile to achieve a well-deserved award for their team or service; or who have dedicated so many years to long service – in some cases forty years plus. On behalf of all the Council, congratulations to everyone who received an award.

Speaking of effort, our planning team are to be congratulated for the improvement in statistics seen in the most recent quarterly figures released by the Department. The statistics demonstrate the continuing commitment of the planning service in Mid Ulster to progress and deliver for our people, following a difficult and challenging number of years. They also show the role of our streamlined and efficient digital

online planning system in delivering substantial improvements to both major and local application processing times in comparison to the first half of 2022 to 23.

This month it's also been great to see that funding of three hundred thousand pounds has been secured by the Mid South West region to assist local businesses in their transition towards achieving Net Zero emissions. The funding has been provided through Innovate UK's Fast Followers programme, with the MSW region one of 21 Local Authority areas to receive a share of £6m funding to support progress towards Net Zero. This is good news for our local economy and our environment. Members will also be aware that Council has received funding from the Levelling Up Fund to deliver on the Maghera Regeneration Programme – a programme that, through over ten million pounds total investment in Maghera, will deliver transformational improvement, benefitting residents, stimulating business growth and creating jobs for future generations. A proposed Wetlands Park and enhancements to Maghera Walled Garden is one element within this programme, and there will be a public meeting to present initial concept designs in Walsh's Hotel, Maghera on the first of February.

Given the significance of the programme and the level of investment, I encourage residents and businesses to take this opportunity to engage with the ongoing design process and have an early opportunity to see the initial plans before we develop detailed designs for a formal period of consultation.”

Councillor Cahoon extended congratulations to the Dungannon/Moy branch of the Royal British Legion who had been presented the Haig cup which is a phenomenal achievement. She advised that the local branch had come first out of some 2500 branches and were the first Northern Ireland branch to achieve this accolade.

Councillor Cahoon also took the opportunity to wish everyone a Happy Burns night.

Councillor Corry concurred and shared that in looking at her family tree she had discovered a few aunts who had been related to the late Robert Burns and it was great to acknowledge the republican connections.

Councillor Wilson congratulated everyone who had achieved awards on the King's birthday honours list.

Councillor McLernon speaking in relation to respite provision said, “I would like to raise here tonight the provision of respite for adults with complex needs and challenging behaviour, in particular Woodlawn House. The eight-bed facility at Woodlawn usually provides short breaks of around a week for those with a learning disability who are aged 18 and over but just before Christmas this year, many families had their respite provision cancelled at short notice due to the facility being repurposed by the Trust having to redirect those services towards intensive individual support. This is the second time this has happened, the last time this happened was back when we were coming out of Covid, and families with adults with complex needs were looking forward to respite at time more than ever when it was needed and it was denied.

I want to state here that this is not a criticism of Woodlawn House or their staff, in fact, I can't praise them enough for their work and dedication to the service users of

Woodlawn House. My criticism has to be directed at the Southern Trust and their forward planning. It is clear that there is inadequate provision of respite for Adults with complex needs and challenging behaviour not only in Woodlawn House, but across the Southern Trust area, and this is only going to be exasperated further, as more children with additional, complex needs and challenging behaviour become adults and enter into Adult Services. We need now to be forward planning, investing and ringfencing the respite provision for these adults going forward.

We can say that the situation is another symptom of a health system starved of the resources, staffing and the reform it needs to meet demand. Families and service users are afraid to speak out, for fear that they will lose this precious service that they rely heavily on. We cannot allow our unpaid carers in our district to always be among the first to pay the price. They wait weeks, months for this service and it is heart breaking to see a situation like this arise where it is taken away from them. We need to urgently begin to tackle the root cause of the problem, and it with this in mind I would propose here tonight that we arrange a focused meeting with the Southern Trust dedicated to this issue, and the issue of forward planning for services for adults with complex needs and challenging behaviour.”

Councillor Gildernew said like many Members in the aftermath of the recent storm she had been inundated with calls regarding various matters and had liaised with agencies such as Department for Environment and all had worked and liaised tirelessly to restore services. She highlighted that the one exception had been Fibrus who were the main broad band providers in her area. She said the world was now a different place and that people needed a reliable internet connection to deal with everyday issues such as banking, universal credit to name but a few. Councillor Gildernew advised that she personally had lost all connectivity since the previous Sunday at home and thus had no internet, 3/4G or telephone connection that Fibrus provide. She emphasised that there are a lot of people isolated who cannot make contact with providers directly but request elected members to do so but Fibrus refuse to engage. She concluded that these people are with Fibrus as they are already left behind in terms of connectivity and have no other choice of providers.

Councillor Gildernew proposed that Council seek a meeting with Fibrus to discuss Elected Member status in representing constituents in relation to loss of connectivity.

The Chair, Councillor Molloy concurred.

**Resolved** That Council seek a meeting with Fibrus to discuss Elected Member status in representing constituents in relation to loss of connectivity.

Councillor McGuigan requested that the Chair send a letter of congratulations to Glen Watty Graham's on winning the All Ireland Senior Clubs GAA Football final. He spoke of the tremendous lift the achievement had given to the local community and that it paid testament to the vision, work and ethic of community development within GAA games. He concluded that it had been a brilliant week of celebrations and it had been a great pleasure for himself and others to witness the Glen team lifting the cup.



**Resolved** That the Chair send a letter of congratulations to Glen Watty Graham's on winning the All Ireland Senior Clubs GAA Football final.

Councillor Cuthbertson paid tribute to Terence Donnelly who had received an OBE, he said that Terence was a great name in the car world and was Chairman of the Donnelly group.

Councillor Cuthbertson paid tribute to staff of Northern Ireland Electricity and tree surgeons who quite literally took their lives in their hands to clear fallen trees during the storm. He also paid tribute to the Light and Life Christian Centre on Cunningham's Lane and told how he had telephoned the Pastor, who willingly drove through the storm to open the church to accommodate families who the NI Fire and Rescue Service had to evacuate from their homes during the storm.

Councillor Cuthbertson requested that it be referred to the relevant committee the extension of lights in Dungannon Park. He stated that lights were needed around the park and this should be planned going forward.

**Resolved** That extension of lights in Dungannon Park be referred to committee.

Councillor Wilson concurred with Councillor Gildernew's earlier comments and paid tribute to staff who had moved heaven and earth to re-instate services following the storm.

The Chair, Councillor Molloy reminded Members of the launch of the Sports Awards in its new format and encouraged all who had connections with groups to encourage them to apply.

Councillor Wilson asked when the Sports Awards had been agreed by Council.

In response the Chief Executive advised that the civic recognition working group had met on 9 and 31 August 2023 and had established the framework which had been recommended by the Policy & Resources Committee for approval in September and resolved at the Council meeting on 28 September 2023. He concluded that the framework was agreed and a report for information to update Members would be brought to the February Policy & Resources Committee.

Councillor Wilson reiterated that the working group had made the decision and the launch had taken place prior to full council consideration. In response the Chief Executive said that the framework had been considered and agreed by committee and council in September and that the working group and officers had worked the aesthetics of the event and reiterated the report on same would be brought to February Policy & Resources.

#### **C005/24 Deputation: Northern Health and Social Care Trust and Southern Health and Social Care Trust**

The Chair, Councillor Molloy welcomed the Northern Health and Social Care Trust and Northern health and Social Care Trust representatives to the meeting.

Ms Welsh NHSCT delivered a presentation (appendix a) giving an overview of the corporate objectives, Trust and GP Workstream highlighting the undernoted:

- Integrated Care System
- Sustainability issues common across all Trusts with some contracts being handed back;
- Progress had been made in building capacity in primary care; primary/secondary care clinical engagement, elective and end of life care.
- NHSCT do not provide out of hours care – provided by Dalriada who give telephone support and see people by appointment at Antrim base but struggle to attract GPs to work at Mid Ulster hospital site.
- Intermediate Care and Community Services: Over 27% of population is over 75: currently 70 beds blocked by people awaiting care packages.
- Working group formed to look at issues surrounding difficulties to attract domiciliary carers and complexities of direct payment system.
- Elective Care: Average waiting times have been reduced from 60 weeks to 58 weeks but still too long. Improvement from last year when 103 children waiting for 1<sup>st</sup> appointment of which 37 had breached time frame, current year 87 waiting and 18 breaching time frame. Early 2023 it was reported that the waiting list was over 700 by December 2023 this had been reduced to 400. Child and Adolescent care 9 week waits were down from 200 to 13.
- Mental Health & Learning Disability: Adult mental health showing improved times 45 patients waiting over 9 weeks for first appointment, services are in demand and far above funded capacity to address would require significant funding. Funding for mental health services is only for weekday provision but some mental health services are working across weekends such as the acute home team if there is a severe breakdown in mental health mental health liaison service; further supported living schemes were much needed highlighted; the creation of a regional mental health strategy is ongoing looking at regional mental health crisis service. Perinatal mental health service operational.
- Implementation of Encompass: Encompass is scheduled to be introduced in Northern Trust November 2024 and will be rolled out across all Trusts this will mean there is a digital record of everyone available to all and whilst will take a lot of work will create safer care.
- Capital development, very little capital development in past; increase bed stock in Antrim hospital two modular wards 48 beds, Birch hill centre will replace Holywell hospital. Also highlighted the commencements of discussion regarding health hub for Magherafelt is being discussed.
- Financial: spoke of how to more activity on same resource; the introduction of solar panel schemes, replacement windows and doors to meet requirements.
- Staff: Received Silver Status Investors in People; highlighted strike action and the difficulty to recruit staff as inaction on public sector pay awards was driving people from the public sector and ultimately the elderly and disadvantaged suffered most.

- Agewell: continued commitment to fund this and other services which reduce hospital admissions.

Ms Welsh thanked the Chair, Councillor Molloy for the opportunity to present.

The Chair, Councillor Molloy thanked the NHSCT Chief Executive and team for the presentation.

The Chair, Councillor Molloy invited the SHSCT team to present. Mr Beattie and Ms Tally delivered presentation appendix b making reference to the undernoted:

The Chair, Councillor Molloy invited Mr Beattie, Director of Adult Community Services and Paula Tally, Assistant Director Quality Improvement of SHSCT to present. Mr Beattie and Ms Tally delivered detailed presentation (appendix b) outlined the SHSCT services, objectives and developments highlighting the undernoted:

- 700 plus awaiting domiciliary care packages, the waiting had significant impact on patient flow resulting in major bed blocking which in turn leads to delays in Emergency Department and people waiting in ambulances.
- Woodlawn House: changes made to care provision had been in response to unforeseen circumstances, there is full cognisance of the impact of such decisions and efforts were being made to make services more robust.
- Speech and Language Children's Wait Times: improvements although slight were being made but modernisation and triaging were key.
- Out of Hours Service: moved on a temporary basis from South Tyrone Hospital site, majority of cases resolved by a telephone call, the level of uncovered GP shifts resulted in the service being withdrawn. Highlighting statistics he said that the numbers using the service stayed the same but twice as many people travelling for appointments whilst home visitation remained the same.
- Lack of capital investment thus significant projects on priority list.
- Integrated care system being introduced in April 2024.
- Comparisons 8 health issues worse than the NI Average, 15 similar to NI Average and 30 worse than the NI Average.

Mr Beattie and Ms Tally thanked the Chair, Councillor Molloy for the opportunity to present.

The Chair Councillor Molloy thanked the respective trusts for the presentations and said as members of the public it is easy to look at the overall picture and be scathing, yet daily Trust staff do their best within the constraints they have to work. He said it is an ongoing concern that year on year the Trusts present to Council and the picture does not get any better. The Chair said that when he joined Council in 2012 the census for 2011 had just been issued and spoke of the high birth rate recorded yet health, roads, education, infrastructure had not been planned around the predicted growth a fact he found utterly depressing. He spoke of the withdrawal of out of hours service yet the numbers visiting it at the alternative location had doubled thus it should be brought back.

The Chair, Councillor Molloy invited Members questions.

Councillor McLernon referred to earlier comments regarding Woodlawn House and stated that the demand going forward would only increase and forward planning was essential.

Proposed by Councillor McLernon  
Seconded by Councillor Varsani

**Resolved** That SHSCT meets with Council regarding respite provision of adults with challenging needs in relation to Woodlawn House; and forward planning to meet increasing need.

Councillor Burton said she had recently been in hospital and had had a good experience and thanked all staff for their diligent care. She advised that she had previously asked and received a response enquiry 16924 in relation to the removal and reinstatement of the birthing pool. She said it had been hoped to be reinstalled 2021/22 and now it was to be April-June 2023-24 and sought clarification when it would be in place especially given that the area had the highest birth rate and a water birth was important to many ladies.

Councillor Burton expressed delight in the NHSCT references and support to Agewell. She said there was a shortfall in funding from the Public Health Agency going forward and it was important to get the matter resolved. She commended Agewell staff but said that there was a nervousness creeping in that would make trained staff look for alternative employment in case they lost their job. She concluded that all agencies involved do everything in their power to ensure that Agewell remained.

Mr Beattie said it was remiss of him not to mention Agewell but the SHSCT had confirmed they had in May 2023 advised that they had committed to Agewell until 2024/25 and would retain support. With regard to the birthing pool query he advised that Council generally send a list of issues to be followed up and if this could be included he would revert.

Councillor Cuthbertson sought clarification as to whether it was 700 outstanding cases waiting on care packages. He stated that Members constantly received calls regarding same and there was of course knock on effects

Mr Beattie confirmed that it was 700 and advised it had reduced from 800 at the end of December, he acknowledged that it was very difficult on people whilst they waited and SHSCT were endeavouring to recruit and highlighted that it was a problem across the United Kingdom and SHSCT were providing more than what they actually had finance for.

Councillor S McPeake spoke of Agewell and the sustainability of the scheme saying that as Chair of the Policing and Community Safety Partnership he had become aware of the shortfall and highlighted that the handyman service may be lost. He spoke of the alarm of the PCSP and how very often Council is left to lobby other partners to endeavour to plug shortfalls in funding. He said to lose the service was

very shortsighted as the prevention of one minor injury could save £30k in other care costs. He welcomed the commitment from the trusts.

Councillor Wilson thanked the trusts for the presentations and paid tribute to staff. He said it was disgraceful that the Secretary of State was holding off payment to blackmail one political party. Councillor Wilson said that Dungannon Health Hub was a priority for years and equally Cookstown had been identified for a health hub and an obesity centre. He alluded to funding under Mid South West growth deal which had been focused towards supporting such projects but this opportunity had been missed. He sought an update on Dungannon and Cookstown Health Hubs.

Councillor Monteith concurred with comments of Councillor McLernon in relation to adult respite and forward planning. He agreed with the Chair, Councillor Molloy that it was depressing that each year both trusts were falling further and further behind. He said that Mid Ulster appeared to be the runt of the litter as there was a fixation of services at Craigavon Hospital and Daisy Hill Hospital site. He spoke of the Dungannon Health Hub together with Oakridge Social Education Centre which had been listed as priorities for years and to be realistic Members may not see them in their lifetime. He highlighted that there had been potential for partnership with Council in relation to Oakridge SEC and Sperrinview Special School and an Urban Park. He referred to a positive meeting and proposed that this project should be revisited.

The Chair, Councillor Molloy seconded the proposal.

**Resolved** That SHSCT meet with Council to discuss Urban Park in line with Oakridge SEC and Sperrinview Special School.

Councillor McFlynn paid tribute to Trust staff who work in difficult circumstances. She spoke of the out of hours service provided by Dalriada, which had moved from Magherafelt to Ballymena then Antrim and highlighted that if you needed the service late at night there was no pharmacist and thus you had to go to Larne to collect prescriptions. Councillor McFlynn highlighted it was a 40 mile round trip to Antrim without then having to travel to Larne.

Councillor Mallaghan said as a member of the Northern Commission Group he would highlight that the new planned Integrated Care System did not allow Councillors onto their Boards. He said that the plans are made in rooms then presented to politicians yet Members could contribute much to the initial plans and said both the Department of Health and respective Trusts should have a rethink.

Councillor Mallaghan offered solidarity to those taking strike action and stated that it was no wonder there was difficulty in recruiting domiciliary care workers as the pay there are offered is totally inadequate and stated that the figures were staggering. He said that when people make contact with elected members they are desperate and if Members were waiting four to five weeks for a response on a query what was it like for others. He further highlighted that in some cases loved ones had passed away before issues were resolved. Councillor Mallaghan stressed that it was important that communication was both quick and effective. He concluded that

Councillors were often the people left to support families in completing forms regarding care and support yet they could not get swift answers.

Councillor Cahoon said that as Council's Veteran Champion she would make staff from both NHSCT and SHSCT aware of the Veterans Support Line which can be used as a contact service for signposting support. She said the advice line was centred in the Somme Nursing home and was to support service personnel. Councillor Cahoon concluded that she would forward contact details to Council officers to be shared with respective trusts.

The Chair, Councillor Molloy thanked the representatives of the SHSCT & NHSCT for their concise presentations and said it was not easy to deliver difficult overviews but Members did understand that they did their best with what was available to them.

## **Matters for Decision**

### **C006/24 Receive and Consider Minutes of matters transacted in "Open Business" at the Council Meeting held on 14 December 2023**

Councillor Forde drew attention to C245/23 Correspondence in relation to the proposal that Council avail of a portrait of HRH King Charles. Councillor Forde said she would propose that Council should accept the offer of a free portrait and place it in a community setting not Council owned.

Councillor Cuthbertson seconded the proposal.

Councillor Monteith said he had the same opinion as last month and would propose that Council should not avail of the free portrait. He said if a community group want a portrait of the King they should request it from the relevant sources.

Councillor Kerr seconded the proposal.

Councillor McFlynn read out comments of Councillor Johnston who was absent from the meeting and stated that identity is important to both unionists and nationalists. She said that nationalists had no Queen or King but would recognise this is important to unionists. She said that the SDLP had supported that Council buildings were free from cultural expression and had there been an opportunity to discuss the matter nothing is beyond reach if everyone works together. She said there was no culture to be found in supremacy and all should work towards cultural expression yet appreciate similarities and alike.

The Chair, Councillor Molloy put proposal to the vote that Council should accept the offer of a free portrait and place it in a community setting not Council owned.

For	16
Against	3
Abstained	16

**Resolved** That Council should accept the offer of a free portrait and place it in a community setting not Council owned.

Councillor Cuthbertson commented on the words of Councillor Johnston read by Councillor McFlynn and pointed out that in December he had not included in his proposal where the portrait should be hung.

The Chief Executive for clarity stated that the proposal would be subject to approval by the portrait providers that it was permitted to pass the portrait on for display as proposed.

Proposed by Councillor Brown  
Seconded by Councillor McNamee and

**Resolved** That the Minutes of the Council held on Thursday 14 December 2023 (C234/23 – C245/23 and C256/23) transacted in Open Business having been printed and circulated were considered and adopted.

**C007/24 Receive and Consider Minutes of matters transacted in “Open Business” at the Environment Committee Meeting held on 8 January 2024**

Councillor Monteith drew attention to E016/24 Dual Language Signage Survey Correction and said that the application process for the Irish Language sign in question had been somewhat of a farce. He stated he had been contacted by a number of people who are irate and highlighted that there had been two homes who had never been informed of any decisions highlighting. He posed the question as to how other residents on the road and elected Members had become aware of the situation on 6 December 2023? He asked who had informed residents? And, who had informed the elected members and stated that surely all should have been informed at the one time.

The Chair Councillor Molloy stated that in this instance terms of delivery and communication had been an issue.

Councillor Monteith sought clarification on how some were informed yet others weren't. He also asked when a fresh application could be made as under corporate governance the Environment committee do not have the ultimate authority to make the decision but rather can propose to accept or reject. He further stated that because of the filibustering in the Environment Committee previously the decision was taken that officers follow the process and report to committee for information. He asked when the 12 months for reissuing of surveys was measured from.

Proposed by Councillor Monteith  
Seconded by Councillor Kerr

That the surveys in relation to Dual Language Signage on Rossmore Road, Dungannon be reissued immediately.

Seconding the proposal Councillor Kerr stated that all elected members should be informed at the same time.

The Chief Executive thanked Members for their comments which would be considered but that officers needed to explore in detail the pre work, the recommendations and decisions in relation to this particular sign. He said the matter would be referred back to the appropriate committee and a vote on whether or not the survey should be reissued could not be taken as there was policy in place. He concluded that in accordance with standing orders the minutes are presented to council for accuracy and the comments made would be taken on board, considered by the officer team and the Environment Committee to which any member can attend.

Councillor Monteith said he would defer his proposal but emphasised that Council had just previously taken a vote to celebrate monarchism and in that instance, it was not just the accuracy of the minute considered. He stated that Council needed consistency.

Councillor Varsani stated she was a member of the Environment Committee and advised that at the committee meeting she had requested further information be brought back for committee consideration. She further said that it should be noted that no councillor should interrupt the work of a council officer on a day-to-day basis and this should be investigated as such action was a serious matter.

Councillor Cuthbertson said as Chair of the Environment Committee the matter had been raised, Councillor McElvogue had asked questions to which the Assistant Director had responded. He said he was also on record in relation to dual language signage to say it is a waste of time and much money had been squandered on dual language.

Proposed by Councillor Groogan  
Seconded by Councillor McNamee and

**Resolved** That the Minutes of the Environment Committee held on Monday 8 January 2024 (E001/24 – E016/24 and E024/24) transacted in Open Business having been printed and circulated were considered and adopted.

**C008/24** **Receive and Consider Minutes of matters transacted in “Open Business” at the Planning Committee Meeting held on 9 January 2024**

Proposed by Councillor Kerr  
Seconded by Councillor D McPeake and

**Resolved** That the Minutes of the Planning Committee held on Tuesday 9 January 2024 (P001/24 – P007/24 and P013/24) transacted in Open Business having been printed and circulated, subject to the foregoing were considered and adopted.



**C009/24 Receive and Consider Minutes of matters transacted in “Open Business” at the Development Committee Meeting held on 10 January 2024**

Councillor Kerr drew attention to D010/24 Environmental Health Service Update and sought clarity if the service level agreement was local or national as he felt Council needed to be more proactive in gritting.

The Chief Executive said that Council was one of the few local authorities that did participate in gritting. Councillor Kerr suggested that instead of three days of icy conditions prior to footpath clearance it should be reduced to one day. He also stated he had been contacted re gritting of the Canal footpath and asked if it could be gritted for example using a 4x4 he asked that a report be brought to committee.

Councillor Burton said that she had raised the issue regarding condition of footpaths and related that an 86 year had had a bad fall on Main Street, Caledon. She said each Member could most likely refer to a similar incident in towns and villages in their district and suggested that Council should lobby regarding the matter. Councillor Burton also mentioned Church Hill, Caledon which needed cleaned again.

Councillor McElvogue drew attention to the air quality meeting scheduled and proposed that Northway Mushroom factory be included on the agenda.

Councillor Monteith seconded the proposal.

Proposed by Councillor McElvogue  
Seconded by Councillor Monteith and

**Resolved** That at the forthcoming meeting regarding Air Pollution that Northway Mushroom Factory is included as an item on the agenda.

The Chief Executive referring to the discussion regarding footpaths and said they were difficult issues as there was massive insurance implications. He said Department for Infrastructure were responsible for them if they had been adopted. He stated that in some instances Council had acted as paths had been atrocious, but it had been costly.

Councillor F Burton proposed that Council seek a meeting with Department for Infrastructure to discuss footpath maintenance.

Councillor Kerr seconded the proposal.

**Resolved** That Council seek a meeting with Department for Infrastructure to discuss footpath maintenance and winter gritting agreement.

Councillor Groogan stated that during the last spell of adverse weather conditions workers from Department for Infrastructure had been on strike and Members should be supportive of them.

Councillor Cuthbertson said that the service level agreement had been brought to the October Environment Committee and Members should be mindful that Council acts on the Dfl call, he also stated that clarity needs to be sought with regards to towns who have had public realm schemes as to whether the footpaths have been adopted or are they Council responsibility.

Councillor Quinn concurred with Councillor F Burton's call for a meeting and also with regards to comments in relation to Councillor Groogan's call to support striking workers. He stated some of the matters had taken place before the strike day and he had parents calling on him as they had much difficulty getting children to school. He said the three day policy did not match conditions and that the new footpaths are more susceptible to people sliding. He said the policy needed to be reviewed.

Councillor Kerr in relation to Councillor Groogan's comments stated he had not asked for workers to come off strike but had stood with all those taking strike action. He said his comments related to the three day wait which would be better reduced to allow earlier gritting.

The Chair, Councillor Molloy said Councillor Groogan's comments had been general.

Proposed by Councillor McNamee  
Seconded by Councillor Gildernew and

**Resolved** That the Minutes of the Development Committee held on Wednesday (D001/24 – D013/24 and D017/24) transacted in Open Business having been printed and circulated were considered and adopted.

**C010/24 Receive and Consider Minutes of matters transacted in "Open Business" at the Policy & Resources Committee Meeting held on 11 January 2024**

Proposed by Councillor McLernon  
Seconded by Councillor Corry and

**Resolved** That the Minutes of the Policy & Resources Committee held on Thursday 11 January 2024 (PR001/24 – PR009/24 and PR023/24) transacted in Open Business having been printed and circulated were considered and adopted.

**C011/24 Conferences, Seminars and Training**

The HoSS&E sought approval for the previously circulated report on conferences, seminars and training as outlined in Appendix A and B of the report.

Proposed by Councillor Kerr  
Seconded by Councillor McNamee and

**Resolved** That approval be given to submitted requests for conferences, seminars and training as outlined at Appendix A and B to the report.

## **Matters for Information**

### **C012/24      Consultations**

Members noted consultations received for attention of Council.

Councillor Kerr proposed that Council respond to

- consultation Department for Infrastructure: Water and Sewerage charges - options for revenue raising. Closing Date: 13 March 2024;
- respond to Department for the Economy: Onshore Petroleum Licensing Policy. Closing Date: 12 April 2024

Councillor Cuthbertson seconded the proposal regarding the DfI Water and Sewerage Consultation and said that he had raised the issue previously that water and sewerage are funded via rates thus water charges are already being paid.

**Resolved**      That Council respond to consultation Department for Infrastructure: Water and Sewerage charges - options for revenue raising. Closing Date: 13 March 2024

Councillor Corry seconded the proposal to respond to Onshore Petroleum Licensing Policy stating that Council should do in its power to protect the environment and health.

Councillor Monteith supported Councillor Kerr's proposal.

**Resolved**      That Council respond to Department for the Economy: Onshore Petroleum Licensing Policy. Closing Date: 12 April 2024

Councillor McFlynn suggested that Council should be posting consultations on face book page to make the public aware of them.

The Chair, Councillor Molloy said the matter would be looked into.

### **C013/24      Correspondence**

Members noted update on correspondence received for attention of Council.

Councillor Varsani drew attention to correspondence from Newry Mourne and Down District Council regarding a motion carried about Cystic Fibrosis medication. Councillor Varsani said everyone would know someone impacted by cystic fibrosis and proposed Council support the motion.

Councillor Gildernew seconded the proposal.

Proposed by Councillor Varsani  
Seconded by Councillor Gildernew and

**Resolved** That Council supports Newry, Mourne and Down District Council motion in relation to Cystic Fibrosis Medication.

Councillor Kerr drew attention to correspondence from NI Water and stated that he had tried ringing the Elected member hot line, had been told he would receive a response but to date no response had been received. He proposed Council write yet again to endeavour to get contact details particularly in relation to estate management issues.

**Resolved** That Council write to NI Water to raise further concern in relation to Members not receiving responses when using Member Help Line in relation to Estate Management Issues.

Councillor McLernon drew attention to response from Southern Health and Social Care Trust and stated that it was merely a broad brush and raises more questions than it answered. She concluded that she looked forward to the forthcoming meeting to discuss such issues.

**C014/24 Notice of Motion: Councillor Kerr to move –**

Councillor Kerr speaking on the motion, said, "Thank you Chair, the motion is like previous motions and is self explanatory. As we enter this week we now have over 25,000 dead many of them being innocent women and children. The assault in Gaza has not lessened whatsoever. Millions upon millions of people protest weekly to denounce the Zionist state. South Africa recently has referred the Zionist terrorist state to the International Criminal Court for undeniable crimes of genocide which has been described at previous meetings. This motion tonight is about Joe Biden or Genocide Joe! Biden and the American administration provide the Zionist armies this last 10 years' of over 38 billion dollars worth of military aid. So it is fair to say the military hardware which has massacred is most likely from the US administration/military. Israel would be unable to attack, bomb, injure, murder Syrians, Lebanese, Yemen or the people of Palestine. American, Joe Biden and previous presidents are equally culpable for the atrocities happening in Gaza. Traditionally Irish Nationalist politicians go to America and share pleasantries with the Whitehouse, Joe Biden claims ancestral links to County Mayo. The Irish people are outraged and angry at what is happening in Palestine. This motion is calling on Irish politicians across Ireland to boycott the St Patrick's day events. Don't legitimise the atrocities committed by Biden and the Israeli army propped up by the Americans. To do so you might as well shake hands with Hitler himself stand up for the Palestinians and boycott the Whitehouse on St Patrick's Day.

Councillor Kerr moved the motion.

*"That this Council calls on all politicians in Ireland to boycott the Whitehouse St. Patrick's Day celebrations hosted by Joe Biden and the American*

*administration due to his/its culpability in the genocide happening in Palestine, particularly in Gaza and the West Bank.”*

Councillor Monteith seconded the motion.

Councillor Brown stated that the DUP would treat the motion with contempt and thus would be voting against it.

Councillor Graham said that yet again Council was presented with a motion which was a headline grabber rather than what impacts people of the district. She stated that no one could fail to be moved nor would want the ongoing situation that is taking place in Gaza. Councillor Graham said that all Israeli hostages needed to be released and a ceasefire called and concluded that the UUP would be voting against the motion.

Councillor Mallaghan said, “Sinn Féin have a proud record of solidarity with the people of Palestine and of defending international law and the UN charter. We were proud to have the Palestinian Ambassador deliver a keynote speech to our Ard Fheis in Athlone. Since the most recent intensification of the conflict, and particularly the devastating and brutal Israeli assault on Gaza, SF have played a leading role in ensuring a strong Irish and International response. We helped ensure that the Dáil became one of the first parliaments in the world to demand a ceasefire. We have pressed the Irish government to strengthen its position on condemning Israeli breaches of international law and the deliberate targeting of innocent Palestinian civilians. We have also called on government to match strong words with meaningful actions. Such actions as we have proposed and campaigned for, include:

1. Referring the situation in Palestine to the International Criminal Court.
2. Recognition of the State of Palestine.
3. Enaction of the Illegal Israeli Settlements Divestment Bill.
4. Advancing EU economic and trade sanctions against Israel and the withdrawal of agreements that provide Israel with preferential trading relationship.
5. Enaction of the Occupied Territories Bill.
6. Joining the South African case against Israel at the International Court of Justice under the Genocide Convention.
7. All political and diplomatic measures available to the Irish government to be employed against Israel while the onslaught on Gaza continues.

There needs to be international pressure on Israel for a ceasefire and we should use all opportunities available to us to that end. The ongoing Israeli aggression against the people of Palestine is deplorable, in particular the assault and bombardment on Gaza which has resulted in the deaths of over 23,000 people, including over 10,000 children.

The Israeli government's blatant breaches of international law should be condemned. They have included the deliberate killing of civilians, the intentional targeting of civilian infrastructure (including hospitals and schools), the collective punishment policies that include the denial of water, food and emergency supplies to a civilian

population and the forced displacement of virtually every resident in Gaza. The IDF have now bombed and demolished every 3rd level education facility on the strip.

The intensification of Israeli violent actions in the West Bank is extremely concerning and should be condemned. There needs to be an immediate ceasefire and the urgent and unimpeded delivery of humanitarian aid to the people of Gaza. The International community need to take decisive and meaningful action against the state of Israel; to include all diplomatic, political, economic and trading measures necessary in order to force Israel to abide by International law and to stop the slaughter in Palestine. We call on the Irish government to show leadership in this regard.

United States: Sinn Féin, through our role in the Peace Process, have deep and longstanding relationships in the US. We are thankful for the constructive position of successive US administrations in respect of the Irish peace process, including throughout the post-Brexit period. Sinn Féin is totally opposed to US policy in respect of the Middle East and the assault on the Palestinian people in Gaza by Israel. US representatives know our position. Sinn Féin leaders have met for many years with US politicians of all political backgrounds, and we will do so again this year. When these opportunities present, we will use the access provided to set out the clear case for an immediate ceasefire; for an inclusive and meaningful peace process and for a lasting peace Middle East premised on an independent Palestinian state.

Taoiseach's visit to the White House: It is important that the Taoiseach uses any opportunity to assert the Irish people's total opposition, to US policy in the Middle East, and to call an immediate ceasefire; for a inclusive and meaningful peace process and for a lasting peace Middle East premised on an independent Palestinian state, just as Sinn Féin representatives will be doing.

Boycott: We understand the passion and sincerity of those who suggest that Ireland should boycott the St. Patrick's Day events in the White House. However, such a move would be most welcomed by the pro-Israeli lobby in the United States. Ireland is the most pro-Palestinian voice globally that has such access to the US administration. We should and must use that access to demand a ceasefire and the case for an Independent and sovereign Palestinian state. The office of the President of the United States is held in such a high regard by the American people, regardless of the office holder. And while their foreign policy regarding the Middle East is unacceptable to me and the vast majority of people here, their foreign policy towards Ireland is very favourable. Its support for our peace process and industry here is unique to any other country in the world. Irish America have been incredibly supportive of a United Ireland and have contributed so much in their support for that objective. Many of us here will have travelled to the States and received a warm welcome, shared a common ancestry and common desire of freedom and liberty. To shun the office of the President is not just an offence, if that is the desire to Joe Biden or the Administration but would be an offence to American Citizens including Irish America to whom we share such a common ground.

As the only nation in the world who have a standing appointment with the US administration every March it would be a huge mistake not to take this opportunity,

not just to further our own peace process, advance the cause for Irish Unity and to raise the catastrophic conditions in Palestine and as one of the most pro-Palestinian countries it is our duty to do this directly with President Biden and his administration.

On a previous visit we seen how effectively Enda Kenny challenged President Trump on his horrendous views on emigration. In a televised bilateral, broadcast globally the former Irish Taoiseach described how a small country like Ireland made such a global impact on the world through our citizens travelling and relocating around the world during difficult times. The positive contribution we made and the duty we have now to support people arriving to our country. I hope that our politicians take the same opportunity in March to challenge the US administration to work for a ceasefire in Gaza as they did here, to foster a peace process in Palestine as they did here and for America to promote self-determination for the Palestinian people as they do for Ireland. Because if anyone thinks that a lasting peace and solution to the conflict in Israel and Palestine won't finish up on the Rose Lawn at the White House, then they are not in the real world."

Councillor Quinn reflected on the debate and said he had been contacted by people with very mixed reactions to the forthcoming events. He spoke of the long history between the Whitehouse and Ireland mentioned by Councillor Mallaghan and how the late John Hume had used that influence. He stated that what is happening in Gaza was disgusting and is genocide that the US is permitting it by supplying the means to Israel to continue. He spoke of the murder of a man holding a white flag and how many had said the video was edited. He spoke of the destruction of UN centres, hospitals and education establishments. He emphasised that something drastic needs to be done, that people's views must be told. He spoke of how in recent years Ireland had boycotted the St Patrick's days events at the Whitehouse under the Trump administration. He said it is very much about the person who holds the position. He stated that he did not think ties with America should be celebrated and the SDLP party leader and all Irish politicians would have big decision to make. Councillor Quinn said that he hoped that something changes in Gaza soon as the situation was at tipping point to a very dark patch unless something drastic is done. He said that boycotting is a legitimate protest and if all Irish politicians boycott the Whitehouse on St Patrick's day it would let the American administration know how people felt. He concluded the SDLP would support the motion.

Councillor Monteith said he did not know anyone who would not be horrified at the images of Gaza and he was honoured to stand with thousands of people in Dublin to call on Irish politicians to boycott and take the opportunity to state that Ireland is opposed. Speaking of President Biden he said he was of Irish heritage yet when it comes to reflecting how Irish people feel he rejects it. He said that people were not calling for dialogue and he would want everyone to attend if it was for peace talks. Councillor Monteith said it was an election year for America and this is a unique opportunity to embarrass President Biden especially when one of his first statements was that the US would stand over the costs of the war, he said this was an opportunity that should not be lost and Irish people should not be used as pawns, as 30-40% supported the struggle. He said that for politicians to attend they would be experiencing blood stained Shamrock. Councillor Monteith concluded that many members in the chamber would not be pleased at how they will have to vote as they personally support Palestine and a unique opportunity would be missed.

The Chair, Councillor Molloy called for a vote on the motion:

For	7
Against	29
Abstained	0

The Chair, Councillor Molloy stated that the motion falls.

Councillor Kerr expressed his disappointment but thanked Members for their contribution to the debate. He highlighted that many others have called for a boycott of the US and that South Africa was taking action to sue America in regard to their actions and going back you could look at the US foreign policy and the happenings around the Gulf war and the innocent killed.

#### **C015/24 Notice of Motion: Councillor McLernon to move –**

Councillor Cuthbertson on a point of order said that in relation to the motion on the agenda that it could open up legal proceedings for council and proposed that the motion be moved to Policy & Resources Committee for investigation rather than making a decision this evening.

The Chair, Councillor Molloy said he had spoken with the proposer.

Councillor Robinson seconded the proposal.

In response to Councillor Cuthbertson the Chair, Councillor Molloy said that he had accepted the motion.

Councillor Mallaghan said that when a motion is tabled it would be heard and that the proposal was contrary to standing orders.

Councillor Cuthbertson said that previously a motion had been tabled but had not been heard.

Councillor McLernon moving the motion said, "Thank you Chair, I would like to move the motion tabled here tonight in relation to Ethical Procurement Policy. Ethical procurement is a positive motive for councils when conducting commercial transactions and business. The purpose of this initiative is to ethically advance how councils across Ireland tender and who they are affiliated to in accordance with international law obligations. This initiative will ensure that ethical procurement policies are in place as a framework to ensure that no council in Ireland will be able to financially aid businesses and companies investing, practicing or complicit in human rights abuses when tendering. By adopting an 'Ethical Procurement Policy' this Council will be able to implement a process, albeit it at council level, to exclude businesses and companies involved in human rights and international law violations when tendering bids.



This initiative will ensure that international human rights principles and guidelines are being adhered to at a local level. Taking this approach will not create an atmosphere where councils are pressured into feeling that they are prosecutors of human rights violations or ‘The Hague’; instead, councils will not be rendering financial aid or assistance to tender bidders complicit in human rights abuses. It is imperative to note that exclusion from tenders and contracts cannot be discriminatory on the grounds of geographical scope of activity, sourcing location, national identity or origin.

An ‘Ethical Procurement Policy’ will clearly implement criteria in accordance with the ‘UN Guiding Principles on Business and Human Rights’, ‘OECD Guidelines for Multinational Enterprises’ and the ‘Global Sullivan Principles (1999)’. In doing so, criteria within a procurement policy will ensure the role of local authorities is not to be overwhelmed into determining human rights violators but to ensure that during the tendering process bidders are checked in accordance with the guiding principles. Companies deemed in breach of the guiding principles on human rights should be excluded from the tendering process as a policy objection not because of the detail of their tendering bid. It is imperative that, during the development of a Mid Ulster District Council ethical procurement policy, council seeks legal guidance in relation to the logistical detail of the policy being adopted and implemented in practice. This is only the beginning of the process. I would therefore ask our Council to support this motion here tonight.”

Councillor McLernon moved the motion:

“That this Council deplores those corporations that profit from protracted armed conflict and systematic violations of human rights, particularly in the context of Israel’s continuing brutal assault on the people of Gaza and escalating settler terrorism in the West Bank, and Russia’s ongoing war of aggression against Ukraine, and other conflicts around the world.

That this Council encourages companies to meet their obligations to avoid contributing to adverse human rights impacts through their own activities, and to prevent or mitigate human rights abuses linked to their operations.

That this Council is aware of the crucial role of local authorities and their public procurement procedures in ensuring respect for human rights by companies, as well as their obligations under widely accepted business and human rights norms, as laid down in the UN Guiding Principles on Business and Human Rights, OECD Guidelines for Multinational Enterprises, and the Global Sullivan Principles (1999), to promote respect for human rights by companies with which they do business.

That this Council affirms that every endeavour is made to ensure that councils tender processes are consistent with the above principles, including under the Fourth Geneva convention relative to the Protection of Civilian Persons in Time of War and under customary international humanitarian law, prohibiting the importation or sale of goods or services originating in occupied territories.

That this Council resolves to adopt a rights-based Ethical Procurement Policy (EPP) that takes fully into account existing obligations and standards. The EPP

will incorporate widely accepted and precisely formulated international standards and explain clearly how the policy will be implemented. The primary aim of the EPP is to ensure that human rights obligations are properly acknowledged, observed and respected at all stages of the procurement process.”

Councillor Carney seconded the motion.

Councillor Cuthbertson said he agreed with the first couple of lines of the motion but reflected that it was a shame that all parties had not had the same mindset regarding armed conflict and human rights over the past 50 years. He said as highlighted the motion would have serious cost implications to Council and as such his party would be voting against it.

Councillor Wilson said he did not think the motion could be implemented in full as even parts for any machine could come from companies right across the world. He asked if the proposed policy would apply to people who supplied products from Russia who exported tonnes of oil in 2022, he highlighted Libya where armed groups detain thousands of people who are subject to torture and forced to make confessions on camera for participating in a peaceful protest in relation to religious beliefs or sexual orientation. He said that Libya supplied oil but could anyone guarantee they had not purchased any of it, or even used goods from Russia. Councillor Wilson also referred to the lack humanity in Northern Ireland when people had murdered their neighbours. He concluded by saying in proposing a motion you should be confident you can live up to it.

The Chair, Councillor Molloy stated if America had not interfered in Libya it would perhaps be more stable.

Councillor Quinn said that to achieve the points listed would not be easy but Council should be doing it, he said that when he brought the BDS motion there had been many legal calls regarding it. Councillor Quinn said the motion was well set out and he looked forward to discussions regarding it as Council should make sure that anything it purchases is not bloodstained and reflected on the arguments over many years regarding African diamonds. He concluded that the SDLP would support the motion.

Councillor Mallaghan said when Council implemented fair trade all had supported it yet all could not support the motion tabled.

Councillor Monteith spoke in favour of the motion and said anything that Council could do to show its support of human rights should be done. He acknowledged that whilst it may be difficult it could be done. Councillor Monteith reflected on the human rights abuses carried out by the British state in Ireland and across the world and highlighted the anniversary of Bloody Sunday. He drew attention to the previous debate regarding boycotting and concluded he would support the motion and looked forward to seeing examples as to how it could be implemented.

The Chair, Councillor Molloy said it was the start of a process.

The Chair, Councillor Molloy put the motion to vote

For 24  
Against 12  
Abstained 0

The Chair, Councillor Molloy declared the motion carried.

Councillor McLernon said the motion aim was to make procurement compatible with the United Nations Charter and the Geneva Convention and acknowledged it was only the beginning of a process.

*The live broadcast concluded at 9.37 pm*

**Items restricted in accordance with Section 42, Part 1 of Schedule 6 of the Local Government Act (NI) 2014. The public will be asked to withdraw from the meeting at this point.**

Proposed by Councillor  
Seconded by Councillor and

**Resolved** That items C016/24 to C024/24 be taken as confidential business.

**Matters for Decision**

- (i) Council Confidential minutes of meeting held on 14 December 2023
- (ii) Environment Confidential minutes of meeting held on 8 January 2024
- (iii) Planning Confidential minutes of meeting held on 9 January 2024
- (iv) Development Confidential minutes of meeting held on 10 January 2024
- (v) Policy & Resources Confidential minutes of meeting held on 11 January 2024
- (vi) Update on Insurance Brokerage Tender
- (vii) Microsoft Licensing Tender Report
- (viii) Small Settlements - ICT Award for Castlecaulfield
- (ix) Document for Sealing - Extended Agency Agreement between Mid Ulster District Council and the Department for Infrastructure for the provision of Off-Street Parking Enforcement and a Penalty Charge Notice Processing Service

**C025/24 Duration of Meeting**

The meeting was called for 7.00 pm and ended at 9.42 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.



**Minutes of Meeting of Planning Committee of Mid Ulster District Council held on Tuesday 6 February 2024 in Council Offices, Circular Road, Dungannon and by virtual means**

**Members Present**

Councillor S McPeake, Chair

Councillors Black (5.06 pm), J Buchanan\*, Carney\*, Clarke, Cuthbertson, Graham\*, Kerr, Mallaghan, Martin\*, McConnell, McElvogue, D McPeake\*, Robinson, Varsani

**Officers in Attendance**

Dr Boomer, Service Director of Planning (SD: PI)  
Mr Bowman, Head of Strategic Planning (HSP)\*\*  
Ms Doyle, Head of Local Planning (HLP)  
Mr Marrion, Senior Planning Officer (SPO)  
Ms McCullagh, Senior Planning Officer (SPO)  
Mr McClean, Senior Planning Officer (SPO)  
Ms McKinless, Senior Planning Officer (SPO)  
Ms Scott, Council Solicitor  
Miss Thompson, Committee and Member Services Officer

**Others in Attendance**

LA09/2021/0480/F	Mr Cassidy***
LA09/2021/0676/O	Mr Cassidy***
LA09/2022/0234/O	Mr Cassidy***
LA09/2022/0437/F	Mr Cassidy***
	Mr Molloy MP***
LA09/2023/0105/O	Mr Cassidy***
LA09/2023/0268/O	Mr Cassidy***
	Mr Morgan***
LA09/2023/0328/F	Councillor McNamee*

Councillors Bell\* and Burton\*

\* Denotes members and members of the public present in remote attendance

\*\* Denotes Officers present by remote means

\*\*\* Denotes others present by remote means

The meeting commenced at 5.02 pm

**P014/24 Notice of Recording**

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

**P015/24 Apologies**

Councillor McFlynn.

The Chair, Councillor S McPeake extended the condolences of the Planning Committee to Councillor McFlynn following the recent passing of her mother.

#### **P016/24      Declarations of Interest**

The Chair, Councillor S McPeake reminded members of their responsibility with regard to declarations of interest.

Councillor McElvogue declared an interest in agenda item 6.8 – LA09/2022/0541/F.

The Chair, Councillor S McPeake declared an interest in agenda item 6.4 – LA09/2021/0676/O.

#### **P017/24      Chair's Business**

The Service Director of Planning (SD: PI) referred to addendum circulated and the public consultation on the review of Planning Development Management Regulations. It was advised the consultation proposes changes in three areas as follows –

- A review of the classes of development to ensure they reflect current and future development trends and that the associated thresholds take a balanced approach to community consultation in planning applications for major development.
- Proposals to make pre-determination hearings discretionary for Councils which will help focus resources and reduce delays in issuing planning decisions for some planning applications; and
- Proposals to introduce online/digital methods into the pre-application community consultation (PACC) process, to enhance accessibility and encourage participation in the planning process by a broader range of people.

The SD: PI advised that the consultation closes on 3 March 2024 prior to the next Planning Committee and if Members were content he would propose submitting comments on the consultation as follows –

- Support a review of the classes of development as it is felt that it is onerous for sports clubs to go through a community consultation when a new sports pitch is being proposed.
- Support the proposal to make pre-determination hearings discretionary for Councils.
- Support proposals to introduce online/digital methods into the pre-application community consultation process.

**Resolved**      That the Service Director of Planning submit comments to the public consultation on the review of Planning Development Management Regulations as outlined above.



The Service Director of Planning (SD: PI) referred to the below applications which were on the agenda for determination and sought approval to have the following applications deferred from tonight's meeting schedule for an office meeting/consideration of additional information –

Agenda Item 5.8 - LA09/2022/1117/F - Retention of shed ancillary to existing business and domestic dwelling and associated works, including extension of domestic and commercial curtilage, landscaping works, garden wall estate fencing and widening of access at 14 Tullydraw Road, Dungannon for Paul McCaul.

Agenda Item 5.11 - LA09/2023/0290/O - Dwelling and garage at lands approximately 93m NE of 19 Coal Pit Road, Dungannon for Mr & Mrs Peter and Carmel McBrien.

Agenda Item 5.12 - LA09/2023/0304/F - Retrospective Farm Diversification Agricultural Storage Shed / Office / Car Valet / Showroom at 47 Crancussy Road, Cookstown for Mr Karl Heron.

Agenda Item 5.14 - LA09/2023/0425/F - Farm building at 200m SW of 31 Camaghy Road South, Galbally, Dungannon for Mr Seamus McGlinchey.

Agenda Item 5.15 - LA09/2023/0426/F - Farm shed to replace existing farm buildings for storage of farm machinery and fodder at 78 Moneygran Road, Kilrea for Mr Damian Shields.

Agenda Item 5.20 – LA09/2023/0652/O - Dwelling on a Farm at Site at 150m W of 18A Ballynacross Road, Maghera for Mr David Fulton.

Agenda Item 5.22 - LA09/2023/0790/F - Garage at 73 Favour Royal Road, Aghnacloy for Mr Stuart Henderson.

Agenda Item 5.23 - LA09/2023/0874/F - Farm shed at lands approx 53m E of 17A Corvanaghan Road, Cookstown for Mr Charles Quinn.

Agenda Item 5.25 - LA09/2023/0906/O - Dwelling and domestic garage at 20m S of 3 Coal Pit Road, Dungannon for Mr Shaun Kelly.

Agenda Item 5.26 - LA09/2023/0916/F - Off site replacement dwelling and garage at 180m W of 16 Carnose Road, Cranny, Moneymore for Mr Gregory McGovern.

Agenda Item 5.27 - LA09/2023/1064/O - Dwelling and garage at lands opposite 20 Moor Road, Corr, Dungannon for Mr Sean O'Brien.

Agenda Item 5.28 - LA09/2023/1070/O - Dwelling and garage adjacent to 59 and 24m SE of 55 Killary Lane, Killary, Stewartstown, Dungannon for Mr Brian Corr.

Agenda Item 5.29 - LA09/2023/1071/O - Dwelling and garage at approx 50m NE of 2 Cullenramer Road, Dungannon for Mr Michael Walls.

Agenda Item 5.31 - LA09/2023/1159/F - 2no. Infill dwellings and domestic garages at 50m W of 56 Tobermore Road, Draperstown for Mr Adrian McIvor.

Agenda Item 5.32 - LA09/2023/1286/F - Extension and alterations to dwelling at 22 Ballynagowan Road, Stewartstown for Mr and Mrs Enda and Nuala Devlin.

Agenda Item 5.33 - LA09/2023/1296/F - Car port and first floor extension to side of dwelling at 22 Ferny Ridge, Castlecaulfield for Gareth Hetherington.

Agenda Item 5.34 - LA09/2023/1297/F - Temporary planning permission for the retention of a mobile caravan unit for living accommodation at Site 50m W of 10 Aghnahoe Road, Killeeshill, Dungannon for Trevor Hurst.

Councillor Clarke stated there appeared to be some sort of conflict in numbering between the items listed on the agenda between 5.32 and 5.34 and the reports for those applications.

The SD: PI stated he understood the Councillors comments but highlighted that those three applications are all being recommended for deferral.

Proposed by Councillor Kerr  
Seconded by Councillor Clarke and

**Resolved** That the planning applications listed above be deferred for an office meeting/consideration of additional information.

## **Matters for Decision**

### **P018/24 Planning Applications for Determination**

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

**LA09/2018/0873/LBC** **Alteration and extension of existing listed building (The Corner House) to include; demolition of ancillary unlisted spaces to the rear of the building, internal alterations and fit out to provide office and meeting space, original ground floor windows to be reinstated and provision of three storey rear extension to provide office and meeting space, canteen and pedestrian link to adjoining premises at 6-8 St Patrick's Street, Draperstown, Magherafelt for Heron Brothers Ltd**

Members considered previously circulated report on planning application LA09/2018/0873/LBC which had a recommendation for approval.

Proposed by Councillor Clarke  
Seconded by Councillor Varsani and

**Resolved** That planning application LA09/2018/0873/LBC be approved subject to conditions as per the officer's report.

**LA09/2018/0887/F**                    **Alterations and extensions of existing listed building (the Corner House) to include: demolition of ancillary unlisted spaces to the rear of the building, internal alterations and fit out to provide office and meeting space, original ground floor windows to be reinstated and provision of three storey rear extension to provide office and meeting space, canteen and pedestrian link to adjoining premises at 6-8 St Patricks Street, Draperstown, Magherafelt for Heron Brothers Ltd**

Members considered previously circulated report on planning application LA09/2018/0887/F which had a recommendation for approval.

Proposed by Councillor Clarke  
Seconded by Councillor S McPeake and

**Resolved**     That planning application LA09/2018/0887/F be approved subject to conditions as per the officer's report.

**LA09/2019/0331/F**                    **4 span portal framed building to be used for sub-assembly and research/design formation of concrete areas throughout remainder of the site for storage and access and upgrade top parking and associated works (amended description) at Unit 3 Granville Road, Dungannon for McCloskey International Ltd**

Members considered previously circulated report on planning application LA09/2019/0331/F which had a recommendation for approval.

Proposed by Councillor Varsani  
Seconded by Councillor Kerr and

**Resolved**     That planning application LA09/2019/0331/F be approved subject to conditions as per the officer's report.

**LA09/2019/0854/F**                    **New spur road from Greers Road to lands approved (M/2014/0572/O) for outline residential development for maximum of 210 units with access onto Greers Road, Donaghmore Road and Quarry Lane. The right of way road will also provide access to the existing car park (Amended Description) at lands 37m W of 6 Union Place, Dungannon for The Mallon Family**

The Service Director of Planning (SD: PI) asked that this application be taken off the agenda due to an error in certification of land ownership as submitted to the Department meaning that the application cannot be determined at present.

Proposed by Councillor Kerr  
Seconded by Councillor Varsani and

**Resolved** That planning application LA09/2019/0854/F be deferred for clarification of ownership.

**LA09/2019/1011/O                    Housing development at lands to the E & NE of 89 Loup Road, Loup, Moneymore for Mr K Scullion**

Members considered previously circulated report on planning application LA09/2019/1011/O which had a recommendation for approval.

Proposed by Councillor Clarke  
Seconded by Councillor McConnell and

**Resolved** That planning application LA09/2019/1011/O be approved subject to conditions as per the officer's report.

**LA09/2021/0837/F                    Assembly factory buildings and increased hardstanding to the rear of existing manufacturing premises on existing site at 200 Annagher Road, Coalisland, Dungannon for McGrath Engineering Ltd**

Members considered previously circulated report on planning application LA09/2021/0837/F which had a recommendation for approval.

Proposed by Councillor Kerr  
Seconded by Councillor Carney and

**Resolved** That planning application LA09/2021/0837/F be approved subject to conditions as per the officer's report.

**LA09/2022/0607/F                    Housing development consisting of 12 dwellings, 10 semi detached and 2 detached including access road at site immediately E of Ashbrook Nursing Home, 50 Moor Road, Coalisland for D M Investments**

Members considered previously circulated report on planning application LA09/2022/0607/F which had a recommendation for approval.

Proposed by Councillor Kerr  
Seconded by Councillor Carney and

**Resolved** That planning application LA09/2022/0607/F be approved subject to conditions as per the officer's report.

**LA09/2022/1117/F                    Retention of shed ancillary to existing business and domestic dwelling and associated works, including extension of domestic and commercial curtilage, landscaping works, garden wall estate fencing and widening of access at 14 Tullydraw Road, Dungannon for Paul McCaul**

Agreed that application be deferred for an office meeting earlier in meeting.

**LA09/2022/1638/F**            **Alteration and extension to existing supermarket including change of use. Additional change of use to provide new off licence with first floor store at 53, 55, 57 and 59 Church Street, Cookstown for Mr Pearse Kelly**

Members considered previously circulated report on planning application LA09/2022/1638/F which had a recommendation for approval.

Proposed by Councillor Clarke  
Seconded by Councillor S McPeake and

**Resolved**    That planning application LA09/2022/1638/F be approved subject to conditions as per the officer's report.

**LA09/2022/1728/F**            **Widening of an established business access to facilitate safe access for HGV vehicles to the Moy Park Hatchery at 16 Main Street, Donaghmore for Mr Michael Quail**

Members considered previously circulated report on planning application LA09/2022/1728/F which had a recommendation for approval.

Proposed by Councillor Varsani  
Seconded by Councillor McConnell and

**Resolved**    That planning application LA09/2022/1728/F be approved subject to conditions as per the officer's report.

**LA09/2023/0290/O**            **Dwelling and garage at lands approximately 93m NE of 19 Coal Pit Road, Dungannon for Mr & Mrs Peter and Carmel McBrien**

Agreed that application be deferred for an office meeting earlier in meeting.

**LA09/2023/0304/F**            **Retrospective Farm Diversification Agricultural Storage Shed / Office / Car Valet / Showroom at 47 Crancussy Road, Cookstown for Mr Karl Heron**

Agreed that application be deferred for an office meeting earlier in meeting.

**LA09/2023/0356/F**            **Veterinary Clinic and animal rehabilitation centre, access, landscaping and ancillary site works at lands S of 165 Aughrim Road, Toome for Taurus Hold Co Ltd.**

Members considered previously circulated report on planning application LA09/2023/0356/F which had a recommendation for approval.

Proposed by Councillor D McPeake  
Seconded by Councillor Clarke and

**Resolved** That planning application LA09/2023/0356/F be approved subject to conditions as per the officer's report.

**LA09/2023/0425/F**                    **Farm building at 200m SW of 31 Camaghy Road South, Galbally, Dungannon for Mr Seamus McGlinchey**

Agreed that application be deferred for an office meeting earlier in meeting.

**LA09/2023/0426/F**                    **Farm shed to replace existing farm buildings for storage of farm machinery and fodder at 78 Moneygran Road, Kilrea for Mr Damian Shields**

Agreed that application be deferred for an office meeting earlier in meeting.

**LA09/2023/0509/O**                    **Site for dwelling and garage at 30m SE of 35 Kilrea Road, Upperlands for Mr Darren McGuckin**

Members considered previously circulated report on planning application LA09/2023/0509/O which had a recommendation for approval.

Proposed by Councillor S McPeake  
Seconded by Councillor Black and

**Resolved** That planning application LA09/2023/0509/O be approved subject to conditions as per the officer's report.

**LA09/2023/0518/O**                    **Site for dwelling and garage at 40m N of 24 Killywoolaghan Road, Ardboe for Christopher Scullion**

Members considered previously circulated report on planning application LA09/2023/0518/O which had a recommendation for approval.

Proposed by Councillor Kerr  
Seconded by Councillor McConnell and

**Resolved** That planning application LA09/2023/0518/O be approved subject to conditions as per the officer's report.

**LA09/2023/0595/F**                    **Conversion of rear yard to beer garden to Public House at The Cosy Corner Bar, 68 Gulladuff Road, Gulladuff for Seamus Boyle**

Members considered previously circulated report on planning application LA09/2023/0595/F which had a recommendation for approval.

Proposed by Councillor Clarke  
Seconded by Councillor S McPeake and

**Resolved** That planning application LA09/2023/0595/F be approved subject to conditions as per the officer's report.

**LA09/2023/0635/F**                    **Industrial unit and site office in existing industrial park at lands immediately N of Junction of Pomeroy Road & Kilcronagh Road, Cookstown for Mr PJ McGee**

Members considered previously circulated report on planning application LA09/2023/0635/F which had a recommendation for approval.

Proposed by Councillor Mallaghan  
Seconded by Councillor McElvogue and

**Resolved** That planning application LA09/2023/0635/F be approved subject to conditions as per the officer's report.

**LA09/2023/0652/O**                    **Dwelling on a Farm at Site at 150m W of 18A Ballynacross Road, Maghera for Mr David Fulton**

Agreed that application be deferred for an office meeting earlier in meeting.

**LA09/2023/0733/RM**                    **Dwelling between 66 and 66A Derryoghill Road, Dungannon for Jacinta Hughes**

Members considered previously circulated report on planning application LA09/2023/0733/RM which had a recommendation for approval.

Proposed by Councillor Varsani  
Seconded by Councillor Kerr and

**Resolved** That planning application LA09/2023/0733/RM be approved subject to conditions as per the officer's report.

**LA09/2023/0790/F**                    **Garage at 73 Favour Royal Road, Aughnacloy for Mr Stuart Henderson**

Agreed that application be deferred to consider further information submitted.

**LA09/2023/0874/F**                    **Farm shed at lands approx. 53m E of 17A Corvanaghan Road, Cookstown for Mr Charles Quinn**

Agreed that application be deferred for an office meeting earlier in meeting.

**LA09/2023/0899/F**                    **Replacement of existing wind turbine as approved (H/2011/0329/F) with a new wind turbine to a hub height of 53m and a rotar diameter of 52m along with associated development at lands approx. 320m SE of 6 Brackaghlislea Road, Draperstown for Mr Austin Kelly**

Members considered previously circulated report on planning application LA09/2023/0899/F which had a recommendation for approval.

Proposed by Councillor S McPeake  
Seconded by Councillor Cuthbertson and

**Resolved**     That planning application LA09/2023/0899/F be approved subject to conditions as per the officer's report.

**LA09/2023/0906/O**                    **Dwelling and domestic garage at 20m S of 3 Coal Pit Road, Dungannon for Mr Shaun Kelly**

Agreed that application be deferred for an office meeting earlier in meeting.

**LA09/2023/0916/F**                    **Off site replacement dwelling and garage at 180m W of 16 Carncoose Road, Cranny, Money more for Mr Gregory McGovern**

Agreed that application be deferred for an office meeting earlier in meeting.

**LA09/2023/1064/O**                    **Dwelling and garage at lands opposite 20 Moor Road, Corr, Dungannon for Mr Sean O'Brien**

Agreed that application be deferred for an office meeting earlier in meeting.

**LA09/2023/1070/O**                    **Dwelling and garage adjacent to 59 and 24m SE of 55 Killary Lane, Killary, Stewartstown, Dungannon for Mr Brian Corr**

Agreed that application be deferred for an office meeting earlier in meeting.

**LA09/2023/1071/O**                    **Dwelling and garage at approx. 50m NE of 2 C Cullenramer Road, Dungannon for Mr Michael Walls**

Agreed that application be deferred for an office meeting earlier in meeting.

**LA09/2023/1114/F**                    **Office extension and alterations to existing offices at 30 Farlough Road, Dungannon for Mr Darragh Cullen**

Members considered previously circulated report on planning application LA09/2023/1114/F which had a recommendation for approval.

Proposed by Councillor Varsani  
Seconded by Councillor Mallaghan and



**Resolved** That planning application LA09/2023/1114/F be approved subject to conditions as per the officer's report.

**LA09/2023/1159/F**                    **2no. Infill dwellings and domestic garages at 50m W of 56 Tobermore Road, Draperstown for Mr Adrian Mclvor**

Agreed that application be deferred for an office meeting earlier in meeting.

**LA09/2023/1286/F**                    **Extension and alterations to dwelling at 22 Ballynagowan Road, Stewartstown for Mr and Mrs Enda and Nuala Devlin**

Agreed that application be deferred for an office meeting earlier in meeting.

**LA09/2023/1296/F**                    **Car port and first floor extension to side of dwelling at 22 Ferny Ridge, Castlecaulfield for Gareth Hetherington**

Agreed that application be deferred for an office meeting earlier in meeting.

**LA09/2023/1297/F**                    **Temporary planning permission for the retention of a mobile caravan unit for living accommodation at Site 50m W of 10 Aghnahoe Road, Killeeshill, Dungannon for Trevor Hurst**

Agreed that application be deferred for an office meeting earlier in meeting.

**LA09/2020/1046/F**                    **Retention of and relocation of partially constructed farm shed for farm machinery storage, and animal shelter and amendments to the design of approved LA09/2017/0977/F at 40m NE of 28A Toomog, Galbally, Dungannon for Noel McElduff**

Members considered previously circulated report on planning application LA09/2020/1046/F which had a recommendation for approval.

Proposed by Councillor McConnell  
Seconded by Councillor McElvogue and

**Resolved** That planning application LA09/2020/1046/F be approved subject to conditions as per the officer's report.

**LA09/2021/0317/O**                    **Infill dwelling & garage between 23 & 27A Macknagh Lane, Upperlands, Maghera for Mr Paddy McEldowney**

The Head of Local Planning (HLP) presented a report on planning application LA09/2021/0317/O advising that it was recommended for refusal.

Councillor Clarke referred to the confusion over boundaries and ownership and stated that he felt this has been clarified and that there has been confirmation and proof that would meet the concerns.

The Chair, Councillor S McPeake stated he had been at the site meeting and that the concerns related to road frontage and that aerial images had been provided to support the curtilage being in place for over 5 years.

Th HLP stated that there is no certificate of lawfulness to extend the curtilage of no. 27a and that the frontage of this dwelling fronts onto a private lane and there is only one dwelling on this private lane.

The Service Director of Planning (SD: PI) asked if the part of land which has been brought into the curtilage looks like a garden area.

The HLP advised that the area is being kept as a biodiversity area and that there are trees which would look to be associated with the dwelling. The HLP referred to the information and images submitted by the agent which show that the land has been used as part of the curtilage of no.27a for in excess of five years.

The SD: PI stated that if Members are satisfied that the evidence provided is reasonable then the area could be read as part of the curtilage of the dwelling.

The Chair, Councillor S McPeake stated that the photographs being shown tonight were not sufficient and having been to the site and having received the additional photographs from the agent it is clear to him that the curtilage comes out to the road.

The SD: PI stated that the key test is the nature of the gap and asked if there are three buildings.

The HLP stated that there is a dwelling and garage to the south of the site however the garage is partially set behind the dwelling therefore it is arguable whether it has a frontage to the road.

The SD: PI stated that if it can be read as two buildings from the road then it could be accepted. The SD: PI asked if the site is only big enough to accommodate two dwellings and from looking at the land take in the vicinity he felt it is clear that no more than two houses could be accommodated. The SD: PI stated that he felt there is good argument that the application can meet policy.

The Chair, Councillor S McPeake stated that from his memory of the site visit the concerns related to the authenticity of the curtilage and that he felt the images supplied show that the curtilage has been extended in excess of five years and comes out to the road.

Councillor Clarke stated that given the images provided he felt that it would be reasonable to approve the application. Councillor Clarke proposed that the application be approved.

Councillor Mallaghan seconded Councillor Clarke's proposal.

The HLP referred to conditions and did not believe a height restriction is necessary.

**Resolved** That planning application LA09/2021/0317/O be approved subject to conditions.

**LA09/2021/0480/F Dwelling and domestic garage within existing cluster at 75m W of 11 Grange Road, Cookstown for Mr Paddy Donnelly**

The Service Director of Planning (SD: PI) asked that this application be deferred for further consideration.

**Resolved** That planning application LA09/2021/0480/F be deferred for further consideration.

*The Chair, Councillor S McPeake vacated the Chair and withdrew from the meeting. Councillor Black took the Chair.*

**LA09/2021/0676/O Relocation of approved site LA09/2018/1646/O to opposite side of road at 70m SW of 11 Motalee Road, Magherafelt for Mrs Gillian Montgomery**

Ms McKinless (SPO) presented a report on planning application LA09/2021/0676/O advising that it was recommended for refusal.

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

Mr Cassidy stated that the officer report now lists two refusal reasons one being added from the original report that the farm is not active. Mr Cassidy stated he was unaware he had to show any activity on the farm and stated he would like a month deferral in order to make the necessary submissions to show that the farm is active and that a deferral would also allow time to address the issues on the planning appeal.

The Service Director of Planning (SD: PI) stated that this site has been to appeal and has been dismissed because it is creating a ribbon and that the grounds for refusal of the application include this. The SD: PI stated it does not get superceded because of a farm case and that nobody is going to lose a house as this farm has the ability to accommodate a dwelling outside of the ribbon. The SD: PI questioned why the applicant should be put to further expense and delay and stated that Members are in a difficult position in that the matter has already been considered by planning appeals and determined.

Councillor Clarke stated that there are no maps or drawings within the officer report for this application on what the Committee is being asked to decide upon and felt that this information should always be provided so that Members can have a visual interpretation on what is there.

The SD: PI accepted it was bad practice if the maps have not been included within the officer report but highlighted that anyone can call up the application and view the

details and that the debate in relation to this application is not related to where the site is. The SD: PI stated that this site has been rehearsed before and has ended up at planning appeal who have dismissed the appeal on grounds of ribboning and change to rural character. The SD: PI advised Members to follow the decision of the Planning Appeals Commission and that if the applicant is dissatisfied then they can go back to planning appeal. The SD: PI stated that if there was a situation of a judicial review Council would inevitably lose because it went against a planning appeals decision and highlighted that the applicant is not going to lose because they have already got a site approved.

The Chair, Councillor Black stated there seems to be some confusion on what evidence is required and that part of the request for deferral related to addressing the issues regarding the planning appeal decision. Councillor Black asked if there was any benefit in allowing the month deferral in order to address those issues.

The SD: PI asked how long the application has been deferred.

Ms McKinless advised that the deferred office meeting took place in September 2022 and at that stage the applicant was asked to submit a stronger farm case. It was advised that the original outline approval remains live until 25 March 2024 so if another deferral is granted then it is running tight to the expiry of the original farm case.

The SD: PI stated that the substantive issue in relation to this application is the siting and the ribboning and suggested that the farm case reason for refusal be dropped and to just go forward with the siting reason for refusal.

The Chair, Councillor Black stated that although a one month deferral would leave things tight it may be worth doing.

Councillor Kerr referred to the agents comments in relation to the inconsistent views of officers.

The SD: PI asked if the agent had been made aware that this site had been refused before.

Ms McKinless stated that details of the planning appeal decision were discussed at the office meeting.

The SD: PI stated that the agent is out of line in saying he has been given inconsistent information in this case as there are records of him being told. The SD: PI stated it is always easy to defer things but that the situation would be the same in a month's time only it would be worse because the applicant would have been given false hope in that if they spend more money then they would get a different result. The SD: PI stated that he is prepared to remove the farm issue from the refusal reasons and if the applicant wants to go back to planning appeal then the issue contested will relate to the previous planning appeal decision. The SD: PI stated that to approve the application would put Members at serious risk and it is giving a false impression to the applicant.

Councillor Clarke proposed to accept the recommendation.

Councillor Mallaghan seconded Councillor Clarke's proposal.

**Resolved** That planning application LA09/2021/0676/O be refused on grounds stated in the officer's report removing refusal reason related to farm case.

*Councillor S McPeake rejoined the meeting and retook the Chair.*

**LA09/2021/1657/F**                    **General purpose storage unit & associated works in association with an established business at 25m NE of 9 Farlough Road, Dungannon for Terramac Fabrication Ltd**

Application Withdrawn.

**LA09/2022/0234/O**                    **Site for dwelling and garage at lands approx. 100m SW of 111 Dunnamore Road, Cookstown for Mr Noel Corey**

Ms McKinless (SPO) presented a report on planning application LA09/2022/0234/O advising that it was recommended for refusal.

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

Mr Cassidy stated that evidence had been submitted to establish if there is an active farm and that this includes a DAERA client ID and flock number created on the 23 November 1999. Receipts were also submitted covering the years 2017-2022 which Council has accepted as indicating that the applicant may have been doing enough works to constitute activity on his land. Mr Cassidy advised that a conacre agreement has also been submitted which indicates that the applicant is leasing a parcel of land immediately adjacent to his home and that additionally the applicant owns a cash crop of woodland which is adjacent to the proposed site. Mr Cassidy stated that additional evidence has also been submitted which includes soil sampling on his lands carried out by DAERA and forestry deforestation details. Mr Cassidy stated that the applicant has demonstrated a level of activity which meets the policy test. Mr Cassidy stated that the second reason for refusal relates to no buildings at the desired location and that this scenario was examined under the Lamont Judicial Review Decision. Mr Cassidy stated that lawyers for Lamont argued that Planning Service had not properly interpreted and applied the relevant provisions in that the proposed dwelling did not link or cluster with a group of established buildings on the farm. It was advised that Mr Justice Treacy acknowledged that case law does not require Planning Service to slavishly follow the policy designed to achieve a broader social and environmental goal but contends that the desired results cannot be ignored. Mr Cassidy stated that as the proposed development fell squarely within cty10 the questions Mr Justice Treacy asked were:

- (a) Did the Planning Service have regard to the policy?
- (b) Did the Planning Service give clear reasons for departing from the policy?
- (c) Did the Planning Service understand the policy?

In the Lamont decision it was found they had not and planning permission was quashed. Mr Cassidy stated that in this case the applicants land is several hundred

metres from his house and garage and that there is no space around his home for a new dwelling. Mr Cassidy stated that the Lamont decision is clear that if the three questions have been considered then consideration can be given to a site where no buildings exist. Mr Cassidy stated that in the words of Mr Justice Treacy, Council do not have to slavishly follow policy and that the Committee can give clear reasons for departing from policy and felt that the officer recommendation should be re-examined.

The Service Director of Planning (SD: PI) stated that buildings on a farm cannot be as easily put aside as the agent says but that there can be reasons they can be overcome. The SD: PI asked if officers are satisfied that there is a farm.

Ms McKinless stated that some receipts and evidence have been provided to indicate that the land is being kept in good agricultural condition. It was advised that the applicant only applied and was granted a Category 3 business number in October 2020.

The SD: PI asked how long the applicant has owned the land.

Ms McKinless advised that a screen shot of a client ID and a flock number dated 1999 were provided along with photographs of a herdbook and tags.

The SD: PI asked if these were in the applicant's name.

Ms McKinless advised that the photographs of the herdbook and tags could not be linked directly to the applicant.

Ms McKinless stated that the main reason for refusal is that there are no verifiable plans to expand or no health and safety reasons for siting beside the buildings but that she did acknowledge that the applicant has no land at the two farm buildings. Ms McKinless stated that the other reason for refusal was that officers are not convinced that there is an established farm business.

The SD: PI stated that officers need to be satisfied that there is an established farm and that further evidence of this is required and if clarified this could be resolved. The SD: PI suggested that the application be deferred in order for the farm business to be substantiated.

**Resolved** That planning application LA09/2022/0234/O be deferred in order for the farm business to be substantiated.

**LA09/2022/0437/F**                      **Farm dwelling at 59 Derryvaren Road, Coalisland for Mr James Campbell**

Mr Marrion (SPO) presented a report on planning application LA09/2022/0437/F advising that it was recommended for refusal.

The Chair advised the committee that a request to speak on the application had been received and invited Mr Molloy MP to address the committee in the first instance.

Mr Molloy MP stated he wanted to support the application on the basis that there has been a building on this site for some time and that the level of the ground at the site now is level with the road and the adjacent house. Mr Molloy stated he did not feel the danger of flooding is relevant because of the ground levels and the fact that this is solid ground. Mr Molloy stated that the site is close to the Lough and that a lot of the land in vicinity would flood but highlighted that the road is on a similar level and that this protects the site along with the neighbouring house. Mr Molloy stated that the family have lived in the area for years and that he felt that the land surrounding the site will stand up to the test.

Mr Cassidy stated that the only refusal reason relates to the flood plain and felt that it is interesting to note that Rivers Agency are not recommending refusal of this application. Mr Cassidy stated that in their latest consultation reply dated 23 November 2023 Rivers Agency accept a portion of the application site is above the predicted flood level of 13.97m and highlighted that it is within this area that the new house is proposed and will be sited. Mr Cassidy stated that the levels within the site have remained constant since 2011 and that this can be seen from the fence line in the pictures submitted. Mr Cassidy stated that the site has never flooded and that images provided by Rivers Agency show the worst level of flooding on the site and whilst water comes up to the rear of the site it does not encroach on to where the house is to be built. Mr Cassidy felt that this application could be approved with conditions that all development is situated above the predicted 100 year flood level.

The Service Director of Planning (SD: PI) asked what response has been received from Rivers Agency.

Mr Marrion advised that the Rivers Agency comment relates to the Ordnance Datum level which is 13.97 as being their predicted flooding level.

The SD: PI asked if this is the level taking into account global warming.

Mr Marrion advised this is the level Rivers Agency are predicting and have commented that part of the site is above the 13.97 level.

The SD: PI stated that the policy refers to once in 100 years fluvial flood plain and if this is applied there is land left which the proposal could be sited on.

Councillor Clarke stated that Rivers Agency have indicated that the 1 in 100 year predicted flood level is 13.97m and that they accept that the finished floor level is 14.76m and that this allows for a freeboard of more than 600mm. The Councillor stated that Rivers Agency ask for 300-600mm. Councillor Clarke felt that the application should be approved.

The SD: PI stated he understood the argument but wanted to go through the application methodically as flooding will become a more prevalent issue going forward. The SD: PI stated that there isn't a test in relation to climate change within policy and given the state of current policy the applicant can meet the policy requirements for the reasons outlined by Councillor Clarke. The SD: PI stated that he felt this policy will change in the future to include climate change and gives food for thought on how things will develop. The SD: PI stated that in this case, the only

issue is the flood plain and that he felt it was reasonable to approve the application on the arguments put forward.

The Chair, Councillor S McPeake stated that the applicant is from the area and knows the situation better and did not feel they would want to invest and build on a site which is going to be problematic.

The SD: PI suggested condition be applied that no buildings be erected in the area shaded blue on the map and that the land should not be changed in the area shaded blue to ensure that water is not displaced. Landscape and access conditions to also be applied.

Proposed by Councillor Clarke  
Seconded by Councillor Kerr and

**Resolved** That planning application LA09/2022/0437/F be approved subject to conditions.

**LA09/2022/0541/F**                      **Farm shed for the storage of hay at 210m E of 91 Ballynakilly Road, Coalisland for Mr Gavin Quinn**

Mr Marrion (SPO) advised that additional information had been submitted on this application which officers need time to consider. That being the case, a deferral of the application was requested.

Proposed by Councillor S McPeake  
Seconded by Councillor Clarke and

**Resolved** That planning application LA09/2022/0541/F be deferred to consider additional information submitted.

**LA09/2022/1095/F**                      **Relocation of previously approved dwelling and domestic double garage due to ground conditions at approx. 75m NW of 42 Cloghogmoss Road, Coalisland for Mr Declan McShane**

Members considered previously circulated report on planning application LA09/2022/1095/F which had a recommendation for approval.

Proposed by Councillor Varsani  
Seconded by Councillor Kerr and

**Resolved** That planning application LA09/2022/1095/F be approved subject to conditions as per the officer's report.

**LA09/2022/1582/O**                      **Dwelling and garage on a farm at 60m NE of 28 Cloughfin Road, Killeenan, Cookstown for Mr Patrick Hegarty**

Application withdrawn.



Ms McKinless (SPO) presented a report on planning application LA09/2023/0105/O advising that it was recommended for refusal.

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

Mr Cassidy advised that DAERA have been consulted and have confirmed the farm business ID, which has an address at 19 Tullynure Road, Lissan and has been established for more than six years and that single farm payments have been claimed in each of the last six years. It was advised that Council are satisfied that there is an active and established farm. Mr Cassidy stated that the applicants have a holding at Lissan and that the land at Gulladuff is an outlying farm some 14 miles from their home. Mr Cassidy stated that the Gulladuff lands extend to 25 acres and were once owned by Grainne's family. These lands originally owned by Grainne's parents were purchased and show a clear intent by the applicants to expand their holding and it was advised that it is the intention that their son will live there and look after the holding. Mr Cassidy also advised that Grainne's parents house is 200m from these lands. Mr Cassidy referred to the officer report which states that the applicant was provided an opportunity to submit plans for agriculture buildings at this location but to date these have not been received and stated whilst this is correct it should be noted that the applicants avail of the farm sheds at Grainne's brothers house and that these sheds are approximately 200m away from the site. Mr Cassidy stated there is currently no need for any additional sheds as it is intended to establish the home first and build the farm around it. Mr Cassidy stated that the issue of no buildings at the desired location was examined under the Lamont Judicial Review which was discussed earlier and in this case the applicant's land is 14 miles away from their home main farm grouping. Mr Cassidy stated there is a clear intention to expand and extend the farm and felt that the Lamont decision is clear and for these reasons he asked Members to reconsider the recommendation.

The Service Director of Planning (SD: PI) asked what is 200m from the proposed site.

Mr Cassidy advised that the applicant's mothers farm is situated 200m from the site which is now run by her son, the applicant's brother. Mr Cassidy advised that the applicants avail of the sheds around the home house.

The SD: PI asked if the farm close to the proposal site is the applicants.

Ms McKinless advised that the applicants are the Quigleys and that their farm is situated at Lissan. The application site is at Gulladuff and it is her understanding that the applicant's mother has a farm 200m from the proposed site and that the applicants avail of those farm buildings.

The SD: PI read out part of policy cty10 and felt it can be read two ways. It expressly advises that an exception can be made to allow a building away from farm buildings where it is impractical to build next to those buildings because of health or plans to

expand the farm buildings and there are no other buildings on the farm or out farm. Given the policy is silent on what happens where there are no buildings on the farm his interpretation is that this section of the policy implies that where there are no other sites available at any group of buildings on the farm or out farm then permission could be granted.

Councillor Clarke stated he had no contact with the applicants in relation to this case although he did know them. The Councillor stated that it seemed to him that the applicants bought the 25 acres at Gulladuff, which he felt is a substantial enough size, with the intention of setting up a business for their son, this land at Gulladuff is a fair distance from the home farm which is 14 miles away. Councillor Clarke referred to the farm buildings close by which are owned by the applicant's mother but are utilised by them and the question of what should come first, the farm buildings or a dwelling. The Councillor felt that this application needed to be looked at closely.

The SD: PI stated he would agree with the comments but that at the office meeting it was put to officers that the farm at Lissan and the farm close to the proposed site was the same farm and that Members are now being advised that these are two distinct farms and that while someone else's farm buildings are being used, they are not buildings on the applicant's farm. The SD: PI asked if there was any reason to contest that being the situation.

Ms McKinless advised there was not.

The SD: PI stated that on considering the policy he felt that there was an opportunity to approve this application based on Councillor Clarke's argument.

Ms McKinless advised there was also a city ribboning reason for refusal on the application as well.

The SD: PI stated he took the view that this proposal did not read as a ribbon resulting as a change rural character and is not sited to provide another gap between that and the other two sites it wouldn't lead to further expansion.

Councillor Clarke stated that taking all into consideration he would propose the application be approved.

Councillor Kerr seconded Councillor Clarke's proposal.

The SD: PI stated that siting conditions should be applied along with tree retention requirements.

**Resolved** That planning application LA09/2023/0105/O be approved subject to conditions.

**LA09/2023/0206/O Dwelling and Garage at 30m S of 15 Craigs Road, Cookstown for Mrs Marissa McTeague**

Ms McKinless (SPO) presented a report on planning application LA09/2023/0206/O advising that it was recommended for refusal.

Councillor Clarke referred to roadside frontage and that the pattern in this case is set back from the road. The Councillor asked if the land between each of the current dwellings in the ownership of the occupiers of the dwellings.

The Service Director of Planning (SD: PI) stated the given the photograph shows a field of sheep it would be difficult to argue that the field is in the curtilage of the dwellings therefore there is no road frontage.

Proposed by Councillor S McPeake  
Seconded by Councillor Varsani and

**Resolved** That planning application LA09/2023/0206/O be refused on grounds stated in the officer's report.

**LA09/2023/0268/O Dwelling and Garage at lands 40m N of 182  
Brackville Road, Coalisland for Mr James Girvin**

Mr Marrion (SPO) presented a report on planning application LA09/2023/0268/O advising that it was recommended for refusal.

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

Mr Cassidy stated that this application is recommended for refusal for two reasons, the first reason being that there is an appreciable distance between the proposed new building and the established group of buildings on the farm. Mr Cassidy referred to a previous approval in Dungannon which has striking similarities to this application – that it was on the opposite side of the road and over 70 metres from the main group of farm buildings. Mr Cassidy referenced the officer report for that application which stated that there was a visual linkage between the area of land on the opposite side of the road and the farm buildings albeit marginal and that the case officer found the preferred location acceptable. Mr Cassidy referred to the current application and photographs submitted which the proposed site and farm buildings in one view and that there is a strong visual linkage and that the application therefore meets the element of linkage within policy. Mr Cassidy stated that the second reason for refusal is that other development opportunities have been sold off from the farm within 10 years from the date of application and that planning permission for a dwelling on a farm was approved within the last 10 years. Mr Cassidy advised that planning permission for a house on the farm was obtained in 2010 with the designed house approved in 2015 and renewed in 2018. Mr Cassidy stated that the renewal of all these applications was done within the timeframe of the 2010 approval still being live. Mr Cassidy stated that the site is still under the same owner as the farm business and has not been sold or transferred and despite extensive searches he could find no history of any refusal ever being recorded in Mid Ulster or any other Council areas nor a PAC decision where the ten year rule has commenced from the date of a renewed application as in this case. Mr Cassidy stated the recommendation is not within the spirit of the policy and is unfair to the applicant and asked that Members reconsider the application.

Mr Morgan stated that the location of the site on his grandfather's farm was carefully chosen as it is 60 metres from the main farm grouping. The site allows for a strong

visual linkage with the existing buildings and is also far enough away so as not to interfere with the day to day running of the farm. Mr Morgan stated that the previous site approved in 2010 for his uncle remains in his ownership and has not been transferred or sold, Mr Morgan stated that the land has been in his family for generations. Mr Morgan stated that the site is well enclosed with mature trees to aid integration and if approved the site is where he and his family would hope to build their forever home.

The Service Director of Planning (SD: PI) asked when the planning permission was renewed.

Mr Marrion advised that it was renewed 24 September 2018.

The SD: PI stated that legally that is a planning permission in itself and asked when the renewal was granted was it based on being a house on a farm.

Mr Marrion stated it was.

The SD: PI stated that the bottom line is that a policy permission has been granted within ten years and therefore the ten year rule applies.

Councillor Kerr stated he did not believe the renewal should count and as it has been over ten years from the original application and that he felt that this application should be looked at favourably.

The SD: PI suggested that the application be deferred for legal opinion in relation to the question of the renewal.

Councillor Mallaghan stated he did not think the Committee had come across this situation before and agreed it would be important to get legal opinion.

The Head of Local Planning (HLP) referenced the General Development Procedure Order which refers to a renewal as an application.

The SD: PI stated that he felt the legal opinion was necessary to provide Members with a direction on what decision to take.

Councillor Clarke asked if this is one of the outworkings of pps14.

The SD: PI advised that it wasn't. The SD: PI stated that the Development Plan sets out to try to cure some of the anomalies which exist and that he just wanted to make sure the Committee have a legal opinion behind them as this situation will likely arise again at some stage in the future.

Councillor Varsani stated she agreed with the comments and that legal opinion should be obtained as to whether the Committee can approve this application. The Councillor referred to the details submitted by the agent in relation to a similar site which was approved in 2017 and stated that she felt there are strong similarities between the two applications which are worth further consideration.

Proposed by Councillor Mallaghan  
Seconded by Councillor Varsani and

**Resolved** That planning application LA09/2023/0268/O be deferred to obtain legal opinion.

**LA09/2023/0328/F                      Renewal of approved planning application (extension to rear and side of dwelling to accommodate siting area and bedroom) at 5 Coolmount Drive, Cookstown for Emma McAleer**

Ms McKinless (SPO) presented a report on planning application LA09/2023/0328/F advising that it was recommended for refusal.

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

Councillor McNamee advised that Ms McAleer was not the original applicant in 2017. In 2018 Ms McAleer became aware that 5 Coolmount Drive was available to buy and had a live application to extend the property. Ms McAleer agreed to purchase this property subject to planning approval for the extension being granted. It was advised that planning approval was granted at that time and Ms McAleer bought the property. Councillor McNamee stated that for various reasons, including Covid, the extension works did not commence and the applicant therefore applied for the renewal of the application within the statutory timeframe and this was brought to Committee in June 2023 with a recommendation to approve the application. Following the meeting in June a site visit was undertaken and the outworkings of this has resulted in a recommendation to refuse the application which Councillor McNamee stated is a complete u turn on previous decisions taken. Councillor McNamee stated that initially the original proposal was found unacceptable because it would create overshadowing and loss of light, potentially impacting nos. 4 and 10 Coolmount Drive. Further to this, it was advised that amended plans were submitted which significantly changed the height and footprint of the proposal and this was given approval in 2018. Councillor McNamee read from the officers report at that time which stated they were content with what was being proposed and by reducing the height and footprint of the proposal it will have less impact on the adjoining properties and introduce a more integrated and better proportioned design and that the proposal does not affect the privacy or amenity of neighbouring residents. Councillor McNamee stated that the application before Members tonight is the exact same application which was approved in 2018 and was also recommended for approval in 2023. Councillor McNamee stated that it is clear the concerns of residents were taken into consideration in 2018 and that the officer in their own words stated that the amended plans addressed the issues of concern. Councillor McNamee stated he felt it was wrong of officers to ask the applicant to submit new plans and referred to the stress and anxiety caused to the applicant and her family. Councillor McNamee stated that if Members refuse this application it would place the applicant in negative equity which he felt is morally wrong and a complete u turn from decision taken in 2018. Councillor McNamee urged Members to uphold the original decision taken in 2018 and approve the application.

The Service Director of Planning (SD: PI) stated that under normal circumstances a lot of weight could be given to the previous approval but highlighted that consultations did not take place with neighbouring properties at the time of the original application. The SD: PI stated that some Members have visited the site and that Members should consider the objector's viewpoint and whether they would be content with the proposal.

Councillor Black stated this is an unusual situation and recalled having concerns the last time the application was presented on the amenity of neighbours and that he would continue to have those concerns. The Councillor stated that at the time of the original application process was not followed correctly nor was the objector given the opportunity to object at that point in time. Councillor Black stated he did have sympathy with the applicant but the reality is that process was not followed the first time and he felt there is the potential to have significant impact on the neighbours amenity. The Councillor noted that the applicant was given the opportunity to amend their proposal but that this was not taken. Councillor Black stated that he felt the reasons for refusal were correct and would therefore propose the officer recommendation to refuse the application.

Councillor Mallaghan stated he had looked back on the planning portal to see the nature of the objections raised in 2018 and it does appear they were taken into consideration at that time. The Councillor stated that when an objection is made to an application this gives a greater sense of consideration for the officer involved but in this circumstance nothing has changed since 2018 when all comments were taken into account. Councillor Mallaghan stated that the applicant would have had an expectation to gain an approval in these circumstances and is often the case when living in a town you can expect to be living beside buildings such as the one under consideration. Councillor Mallaghan referred to the comments made in which the applicant was contacted and advised that the application was going to be refused and that they should reapply and reconsider and he would like to hear more on this. Councillor Mallaghan stated that taking everything into consideration and given the history of the application he would propose that the application be approved.

Ms McKinless read email sent to applicant which outlined that following the site visit and subsequent internal group discussions about the proposal it was considered that the proposed extension cannot be recommended for approval as it stands. Whilst the current application was submitted as an in time renewal it was advised that there has been a material change in circumstance brought to officers attention ie. Neighbours which should have been notified were not. Under the current application all relevant neighbours have now been notified and some have raised objections, which following the site visit, hold some weight in the assessment of the application. The email stated that it is not unreasonable to assume that if neighbour notification at the time of the original application these same concerns would have been raised. The email stated that it was considered the proposed extension will have a negative impact on adjacent residential amenity and in order to address this the applicant was given the opportunity to reduce the scheme to single storey in its entirety and that a full set of drawings would need to be submitted to reflect this amendment. The email also outlined that as the application was submitted as an in time renewal there is the option to change the description of the proposal as the 2018 approval has now expired without a material start having been made to keep it live. It was further advised that an additional planning fee would also be required as it would have be

processed as a full domestic extension. The email concluded by asking the applicant how they wished to proceed.

The SD: PI stated that what the officer had done is contact the applicant to advise that the application will be recommended for refusal unless they wish to make changes to the proposal. The SD: PI stated this is a case which Members can decide based on their own view.

The Chair, Councillor S McPeake stated he had attended the site visit and whilst there is not a huge gap between the two houses he was touched that the proposed design of the extension means there is no overlooking which is a big compromise. Councillor S McPeake agreed that houses can be closely built together in urban areas and that he did have some sympathy for the applicant albeit that is not a material consideration.

Councillor Graham seconded Councillor Black's proposal to refuse the application. The Councillor stated that if she lived in no. 4 or 10 she would not want a double height wall coming against her fence whether there were windows or not. Councillor Graham stated that everyone has different ideas and mistakes were made with the original application and that whilst she had sympathy with the current applicant Members needed to consider the information in front of them.

The SD: PI stated that because planning approval was granted the recourse of that would have been Judicial Review. The SD: PI stated that the application was not judicially reviewed so therefore the planning application stood and could have been started therefore it must be a material consideration. The SD: PI stated that Members have the ability to take a different decision because neighbour notification did not take place on the original application. The SD: PI asked Members to go to the most basic test and take their own view on whether there is an unacceptable detrimental effect on neighbouring amenity.

The Chair, Councillor S McPeake referred to drawing which was brought to site visit which indicated that there no adverse effect by the sun and light into the neighbouring property.

Ms McKinless stated there was a technical drawing in relation to loss of light but highlighted that the recommendation within the report relates to overbearing and overdominance and not loss of light.

Councillor Black asked if loss of light should be considered.

The SD: PI explained that light comes from two sources – sunlight and daylight, and highlighted on the map the movement of the sun in relation to the properties. The SD: PI advised that the proposal would not have an impact on daylight but that there would be some limited impact in relation to overshadowing and it was up to Members to decide whether this is adverse enough to refuse the application.

Councillor Varsani seconded Councillor Mallaghan's proposal to approve the application.

*Councillors Cuthbertson and McElvogue had left the meeting.*

Members voted on Councillor Black's proposal –

For – 4

Against – 8

Abstained – 1

Members voted on Councillor Mallaghan's proposal –

For – 8

Against – 4

Abstained - 1

**Resolved** That planning application LA09/2023/0328/F be approved subject to conditions.

**LA09/2023/0580/F**                      **Removal of Conditions 7 & 8 from approved  
LA09/2023/0022/O at 25m NW of 56 Cavey Road,  
Ballygawley for Mr Niall McCartan**

Members considered previously circulated report on planning application LA09/2023/0580/F which had a recommendation for approval.

Proposed by Councillor McConnell  
Seconded by Councillor Varsani and

**Resolved** That planning application LA09/2023/0580/F be approved subject to conditions as per the officer's report.

**P019/24**                      **Receive Report on Response to the Northern Ireland Public  
Service's Ombudsman Report "Strengthening Our Roots"**

Ms McCullagh (SPO) presented previously circulated report which outlined the NIPSO report on tree protection in the Northern Ireland Planning Service. Members considered the response to each recommendation contained therein as set out at Appendix B of report.

Proposed by Councillor S McPeake  
Seconded by Councillor Kerr and

**Resolved** To respond to the NIPSO report as set out at Appendix B of report.

## **Matters for Information**

**P020/24**                      **Minutes of Planning Committee held on 9 January 2024**

Members noted previously circulated minutes of Planning Committee held on 9 January 2024.





**P025/24      Duration of Meeting**

The meeting was called for 5 pm and concluded at 8.05 pm.

Chair \_\_\_\_\_

Date \_\_\_\_\_

## Annex A – Introductory Remarks from the Chairperson

Good evening and welcome to the meeting of Mid Ulster District Council's Planning Committee in the Chamber, Dungannon and virtually.

I specifically welcome the public watching us through the Live Broadcast feed. The Live Broadcast will run for the period of our Open Business but will end just before we move into Confidential Business. I will 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 you are for or against the proposal or abstaining from voting
- For members attending remotely, note that by voting on any application, you are confirming that you were in attendance for the duration of, and that you heard and saw all relevant information in connection with the application you vote on
- When invited to speak please introduce yourself by name to the meeting. When finished please put your audio to mute
- 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
- An Addendum was emailed to all Committee Members at 5pm today. There is also a hard copy on each desk in the Chamber. Can all members attending remotely please confirm that they received the Addendum and that have had sufficient time to review it?
- If referring to a specific report please reference the report, page or slide being referred to so everyone has a clear understanding
- For members of the public that are exercising a right to speak by remote means, please ensure that you are able to hear and be heard by councillors, officers and any others requesting speaking rights on the particular application. If this isn't the case you must advise the Chair immediately. Please note that once your application has been decided, you will be removed from the meeting. If you wish to view the rest of the meeting, please join the live link.
- Can I remind the public and press that taking photographs of proceedings or the use of any other means to enable persons not present to see or hear any

proceedings (whether now or later), or making a contemporaneous oral report of any of the proceedings are all prohibited acts.

Thank you and we will now move to the first item on the agenda - apologies and then roll call of all other Members in attendance.



## ADDENDUM TO PLANNING COMMITTEE AGENDA

**FOR PLANNING COMMITTEE MEETING ON: 06 February 2024**

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

### **Chairs Business – Public Consultation on Review of Planning Development Management Regulations**

<b>ITEM</b>	<b>INFORMATION RECEIVED</b>	<b>ACTION REQUIRED</b>
5.27	Refusal Reasons did not pull through on report.	Members to note reasons for refusal Reason 1 Contrary to CTY 1 - Development in the Countryside in PPS 21 as there is no overriding reason why the proposed development is essential and could not be located within a settlement. Reason 2 Contrary to CTY 10 - Dwellings on farms in PPS 21 in that the development does not cluster or visually link with the established group of buildings on the farm. No demonstrable health and safety reasons or verifiable plans to expand the farm business have been provided. Reason 3 A lack of information has been provided to demonstrate if there is an active and established farm at the application site.

5.29	Refusal Reasons did not pull through on report.	<p>Members to note reasons for refusal</p> <p>Reason 1          Contrary to CTY 1 - Development in the Countryside in PPS 21 as there is no overriding reason why the proposed development is essential and could not be located within a settlement.</p> <p>Reason 2          Contrary to CTY 2a - New Dwellings in Existing Clusters in PPS 21 in that the application site is not at a crossroads or associated with a focal point.</p>
6.4	Deferred Office Meeting Note (Sept 2022)	Members to note request for CTY10 farm case asked for at this time
6.6	Additional Farm Evidence	Members to Note
6.10	Email withdrawing application	Members to Note

**Minutes of Meeting of Policy and Resources Committee of Mid Ulster District Council held on Thursday 8 February 2024 in the Council Offices, Circular Road, Dungannon and by Virtual Means**

**Members Present**

Councillor Corry, Chair

Councillors Bell\*, Brown\*, F Burton\*, J Burton\*, Cahoon, Gildernew, Johnston\*, McAleer, McLean\*, McLernon, S McPeake\*, Molloy\*, Totten\*, Wilson\*

**Officers in Attendance**

Mr McCreesh, Chief Executive\*\*

Mrs Canavan, Strategic Director of Organisation Development, Strategy and Performance (SD: ODSP)

Ms Dyson, Head of Human Resources (HoHR)\*\*

Ms Keys, Marketing and Communications Manager (MCM)

Mr McGuckin, Head of Strategic Services and Engagement (HoSS&E)

Mrs McNally, Assistant Director of Corporate Services and Finance (AD: CS&F)\*\*

Mr Moffett, Assistant Director of Organisational Development, Strategy & Performance (AD: ODSP)

Mr O'Hagan, Head of IT (HoIT)

Ms Porter, Capital Planning Manager (CPM)

Mr Scullion, Assistant Director of Property Services (AD: PS)

Mr Tohill, Strategic Director of Corporate Services & Finance (SD: CS&F)

Mrs Grogan, Committee and Member Services Officer

\* Denotes members present in remote attendance

\*\* Denotes Officers present by remote means

\*\*\* Denotes others present by remote means

The meeting commenced at 7.00 pm.

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

**PR024/24 Notice of Recording**

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

**PR025/24 Apologies**

None.

## **PR026/24    Declarations of Interest**

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

## **PR027/24    Chairs Business**

None.

## **Matters for Decision**

### **PR028/24    Good Employment Charter for Mid Ulster District Council**

The Assistant Director: Org Development, Strategy and Performance (AD: ODSP) presented previously circulated report which sought approval for draft Mid Ulster District Council Good Employment Charter. The draft charter has been developed as part of Council's arrangements for a Community Wealth Building Framework and Plan.

The AD: ODSP advised members as part of the research undertaken, Council liaised with the Living Wage Foundation in the development of the Good Employment Charter and also worked with Belfast City Council in the development of the Charter. The actual Charter itself is composed of five broad themes: fair pay, employee engagement and voice, learning and development, health & wellbeing and inclusive workplaces which is a broad Charter of principles in which this organisation will abide by subject to comment this evening. The AD: ODSP advised members that this item had went to the Community Wealth Building Working Group last week and comments made have been taken on board and reflected in the final Charter for agreement tonight.

The Chair advised that she had attended the meeting of the Community Wealth Building Working Group and felt that it was an exciting opportunity to lead the way and be good employers.

Councillor Gildernew said that she would be happy to propose the Council's Good Employment Charter as it was good to see Council prioritising employee's wellbeing. The member enquired if trade unions have been involved in the development of the Charter.

The AD: ODSP advised trade unions were involved at a certain level but would need to get clarification on this matter. He said that Council did involve directly the Living Wage Foundation which included membership and development of the Charter would not diminish any relationship Council would have with unions as an employer.

Proposed by Councillor Gildernew  
Seconded by Councillor Brown and

**Resolved**    That it be recommended to Council to approve the draft Good Employment Charter for Mid Ulster District Council.



Councillor F Burton said that in the past Council had established a forum working group where Council would engage with colleges, universities and employers and enquired if this was still up and running. The member advised that a lot of employers had indicated to her that they struggle sometimes to get young people involved in some of the courses that they would like to get them engaged in. The member said that she sought clarification on this when talking about Good Employment Charter.

The Strategic Director of Organisation Development, Strategy and Performance (SD: ODSP) advised that Officers engage with colleges and universities on a regular basis especially when doing work placements with a number of those out at the moment. When doing apprenticeship schemes engagement directly takes place with universities and colleges and were also involved heavily with career fairs and go directly into schools to provide information about jobs and career opportunities for Council also. The SD: ODSP said that this was an ongoing process to try and increase engagement which was important especially with young people coming along as there was a need to attract students at that early stage into the organisation to give them an awareness of what Council actually does and what career opportunities there is within Council.

#### **PR029/24      Requests to Illuminate Council Properties**

The Head of Strategic Services and Engagement (HoSS&E) presented previously circulated report which sought approval to illuminate and light up the Council's three designated properties to raise awareness for the following:

- VOYPIC – Voice of Young People in Care: Care Day: 16 February 2024: Colour: Yellow
- Cystic Fibrosis Trust – Cystic Fibrosis Trust's 60<sup>th</sup> Anniversary: 20 February 2024: Colour: Yellow
- Marie Curie: Memory Stones of Love – Day of Reflection for those lost in the Covid Pandemic: 3 March 2024: Colour: Yellow
- RNLI: 200<sup>th</sup> Anniversary: 4 March 2024: Colour: Yellow
- Nerve Tumours UK – Shine a Light on NF: 17 May 2024: Colour: Blue
- Prader-Willi Syndrome (PWS) Association UK: Go Orange Day: 31 May 2024: Colour: Orange
- NHS Organ Donor Register: Organ Donation Week: 23 September 2024: Colour: Pink

Proposed by Councillor McAleer

Seconded by Councillor Cahoon

**Resolved**      That it be recommended to Council to illuminate the three designated Council properties as follows –

- VOYPIC – Voice of Young People in Care: Care Day: 16 February 2024: Colour: Yellow
- Cystic Fibrosis Trust – Cystic Fibrosis Trust's 60<sup>th</sup> Anniversary: 20 February 2024: Colour: Yellow
- Marie Curie: Memory Stones of Love – Day of Reflection for those lost in the Covid Pandemic: 3 March 2024: Colour: Yellow
- RNLI: 200<sup>th</sup> Anniversary: 4 March 2024: Colour: Yellow
- Nerve Tumours UK – Shine a Light on NF: 17 May 2024: Colour: Blue

- Prader-Willi Syndrome (PWS) Association UK: Go Orange Day: 31 May 2024: Colour: Orange
- NHS Organ Donor Register: Organ Donation Week: 23 September 2024: Colour: Pink

Councillor J Burton said that he would like to note that this was the first committee meeting since the cancer diagnosis of King Charles and said that on behalf of himself and his colleagues he would like to send on his best wishes to King Charles and the wider Royal family and that they were in our thoughts and prayers at this time.

**PR030/24 Improvement Objectives: 2024-2025 (Proposed) and Timeline for Public Consultation**

The Head of Strategic Services and Engagement (HoSS&E) presented previously circulated report which sought approval to agree the proposed improvement objectives for 2024/25, as set in compliance with the Local Government Act (NI) 2014 (the Act) and subsequent guidance as issued by the Department for Communities (LG21/2016 onwards) and establish timelines for a public consultation exercise relating to the proposed improvement objectives.

Proposed by Councillor Brown  
Seconded by Councillor F Burton and

**Resolved** That it be recommended to Council to approve the four draft improvement objectives for 2024-2025 and the initiation of consultation together with associated timeline.

**PR031/24 Draft Consultation Response on Research on Investigating Future Provision for Victims of Violence and Domestic Abuse within the Northern Ireland Housing Selection Scheme**

The Head of Strategic Services and Engagement (HoSS&E) presented previously circulated report which advised of the consultation response developed on behalf of Mid Ulster District Council in response to the Research on Investigating future provision for victims of violence and those at risk/under threat of violence including victims of domestic abuse within the Northern Ireland Housing Selection Scheme.

The HoSS&E advised that a few additional relevant statistics had been added and attached which had been received in relation to Mid Ulster's response. These were received from the Community Development team since the papers were circulated and a final response will be circulated tomorrow if agreeable.

Councillor Gildernew said that she would be happy to propose the consultation response on Investigating the Future Provision for Victims of Violence and Domestic Abuse within the Northern Ireland Housing Selection Scheme.

Councillor Gildernew felt that the intimidation points should not have been removed from the scheme and that these points should be retained, and the scheme broadened to include those at risk from domestic violence. There is a need to protect those facing serious and immediate threat to themselves and their families and there should be robust verification of intimidation points to ensure they are allocated appropriately, to those at genuine risk and to prevent others on the housing list, including those with

homeless points, from being unfairly disadvantaged. SafeLives commissioned a report in 2018, which found that approximately one-third of homeless women stated that domestic abuse contributed to their homelessness. There is a need to ensure adequate provision of emergency/refuge accommodation as well as adequate access to safe housing in the Mid Ulster area. No survivor should be prevented from leaving their abuser due to fears of facing homelessness and often the assurance of safe housing can help break this cycle.

Councillor F Burton said that she was happy to second the proposal and to concur with comments made by previous speaker as a former PCSP member. The statistics we have in Mid Ulster for domestic violence against women and sometimes against men was absolutely horrific and anything that we can do to try and lessen that is much needed. The member felt that this could be an ideal opportunity to add in the fact that the Crime Prevention Officer regularly provides locks, bolts and safety items to families and felt it was ironic that it was the Handyvan Scheme of Agewell that usually goes out to fit those. Members may be aware that there was now a struggle to ensure that the Handyvan scheme was future-proof and felt that this could be an ideal opportunity to flag this to housing, police or whoever was responsible due to the real fear come 31<sup>st</sup> March that this service may no longer be available. The member advised that this service provides incredible work not only for this type of work but also for the elderly and real vulnerable of our society and those who suffer really badly with mental health.

Councillor Corry concurred with previous speakers and said that this was something that Agewell may not be aware of that they do fit safety equipment for people who have suffered domestic abuse. She felt that what was included in the consultation response was very good and when looking at urban and rural difference that this was something she came across in regards to temporary accommodation being only available in Belfast or Derry area. The member said that for anyone coming from a rural area, this is not feasible as they are being lifted from any support network that they may have there and for their children going to school. The member referred to Councillor Gildernew's comment in regards to taking away the whole intimidation points and the need to have this being investigated more robustly and why a person is reporting this and not being taken away. She said that she looked forward to seeing the response going forward and hoped that they would listen.

Proposed by Councillor Gildernew  
Seconded by Councillor F Burton and

**Resolved** That it be recommended to Council to approve the draft response for submission.

**PR032/24 Member Services**

No issues.

### **Matters for Information**

**PR033/24 Minutes of Policy and Resources Committee held on 11 January 2024**

Members noted Minutes of Policy & Resources Committee held on 11 January 2024.

### **PR034/24 Revised Photographic Policy**

Members noted update on minor changes to the Council's Photographic Policy to reflect the required policy review undertaken.

### **PR035/24 Performance Improvement Nine Month Assessment**

Members noted update in relation to monitoring information on the review of Council's performance against our seven statutory and three corporate performance improvement indicators and standards, along with an overview of the Corporate Health Indicators for the first nine months of 2023/24. The report also provides a performance progress summary against the Council's four corporate improvement objectives and their associated project plans (known as CIP plans). The indicators and standards, the 4 improvement projects and corporate health indicators are contained within our Two-Year Performance Improvement Plan (PIP plan) for 2023/24 to 2024/25.

### **PR036/24 Update from CRWG Meeting and Mid Ulster Sports Awards**

Members noted update in relation to the outworking's of the most recent Civic Recognition Working Group meeting held on 16<sup>th</sup> January 2024.

Councillor Wilson advised that he had nothing against the Sports Awards as he had nominated people for it but was not happy about the process that has been undertaken. The member said that he had looked and reviewed the minutes of the previous meetings and did not see anywhere that the running of this event or indeed the process of this event is actually in the hands of a working group and as an elected rep himself, had no input whatsoever on how that evening would be run or given any chance to have his tuppence worth in there. He said that he had been informed previously that this had been agreed by Council but had to come back to this committee and was only coming back now as a fait accompli and would have to say that he was not happy about the process. The member sought clarification on who's decision it was to put nominations back another week.

The Head of Strategic Services and Engagement (HoSS&E) advised that the matter was discussed at the last Council meeting and the Chief Executive had updated members in relation to the required approvals that were sought at Council and basically the working group put the meat on the bones of what was agreed as such in terms of the approval and the resolution basically of what come out of that meeting. In terms of nominations the HoSS&E advised that a lot of nominations has been received in relation to Mid Ulster Sports Awards across all the sporting bodies and organisations, both groups and individuals and Council is very happy with the response received to date. It was always the intention to extend the nominations by a further week which was always the plan, to go out for two weeks with the opportunity to extend for a further third week if required and would encourage all to participate to get involved if you haven't done so already as it was a great opportunity.

Councillor Wilson thanked the HoSS&E for the update and said he looked forward to him coming back with the relevant details.

Councillor Corry said that she would like to thank the working group on their work and on a personal note she was very excited and was looking forward to it as there has

been a real buzz this last couple of weeks around the nominees and competition associated with it.

*Live broadcast ended at 7.20 pm.*

## **Local Government (NI) Act 2014 - Confidential Business**

Proposed by Councillor McLernon  
Seconded by Councillor Gildernew

**Resolved** In accordance with Section 42, Part 1 of Schedule 6 of the Local Government Act (NI) 2014 that Members of the public be asked to withdraw from the meeting whilst Members consider items PR037/24 to PR050/24.

### **Matters for Decision**

- PR037/24 Land and Property Matters
- PR038/24 Maghera Regeneration Project: Public Realm ICT Fees
- PR039/24 Department of Finance - Finance Rating Revenue Raising Consultation
- PR040/24 SOC & SIEM Tender Report
- PR041/24 Website Governance Update and Contract Extension
- PR042/24 Staffing Matters for Decision

### **Matters for Information**

- PR043/24 Confidential Minutes of Policy & Resources Committee held on 11 January 2024
- PR044/24 Staffing Matters for Information
- PR045/24 Managing Attendance Update Report Q3
- PR046/24 Update Report on Industrial Action January 2024 – Leisure Services
- PR047/24 Home Office Cyber Security Update
- PR048/24 Financial Report for 9 Months ended 31 December 2023
- PR049/24 Contracts and DAC Registers
- PR050/24 2024/25 Rate Estimates Update

## **P051/24 Duration of Meeting**

The meeting was called for 7.00 pm and ended at 7.40 pm.

Chair \_\_\_\_\_

Date \_\_\_\_\_

## Annex A – Introductory Remarks from the Chairperson

Good evening and welcome to the Council's [Policy & Resources/Environment/Development] Committee in the Chamber, [Dungannon/Magherafelt] and virtually.

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 roll call of all other Members in attendance.

**Minutes of Special Meeting of Mid Ulster District Council held on Monday 12 February 2024 in the Council Offices, Circular Road, Dungannon and by virtual means**

**Chair** Councillor Molloy

**Members Present** Councillors Bell\*, Black, Brown, W Buchanan, F Burton, J Burton, Cahoon, Carney, Clarke\*, Corry, Cuthbertson, Forde, Gildernew, Graham\*, Groogan, Kelly, Kerr, Mallaghan, Martin, Mallaghan, McAleer, McConnell\*, McElvogue, McGuigan, McLean, McLernon, McNamee, D McPeake\*, S McPeake\*, McQuade, Milne\*, Monteith, Quinn, Robinson, Totten\*, Varsani and Wilson\*

**Officers in Attendance** Mr McCreesh, Chief Executive  
Mr Black, Strategic Director Communities and Place (SD: CP)  
Ms Campbell, Strategic Director of Environment (SD:ENV)  
Ms Canavan, Strategic Director of Organisational Development Strategy and Performance (SD: ODSP)  
Mr Tohill Strategic Director of Corporate Services & Finance (SD: CSF)  
Mr McGuckin, Head of Strategic Services and Engagement (HoSSE)  
Ms McNally, Assistant Director Corporate Services & Finance (AD:CSF)  
Mrs Forde, Committee and Member Services Manager  
Mr C McKeown ICT

\* Denotes Members present in remote attendance

\*\* Denotes Officers present by remote means

\*\*\* Denotes Others present by remote means

The meeting commenced at 7 pm.

*The Chair, Councillor Molloy 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.*

**SC001/24 Notice of Recording**

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

**SC002/24 Apologies**

Councillor McFlynn

### **SC003/24    Declarations of Interest**

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

### **SC004/24    Chair's Business**

None

### **Matters for Decision**

### **SC005/24    Minimum Revenue Provision Policy (MRP)**

The SD:CSF presented previously circulated report which provided an update in relation to Council's 2024/25 Minimum Revenue Provision Policy.

Proposed by Councillor Mallaghan  
Seconded by Councillor Brown and

**Resolved**    That Council confirms its existing MRP policy as being appropriate for the financial year 2024/25.

### **SC006/24    Robustness of Rates Estimates 2024/25**

The Chief Executive presented previously circulated report in relation to the robustness of the 2024/25 Rate estimates and stated that the figures within the report were challenging as costs escalated, inflation remained uncertain, and the cost of living was ever increasing. He said the budgets were prudent but ambitious and would deliver services to those who needed them most. He acknowledged that the macro environment was ever changing and highlighted the rates support grant had reduced significantly over the past three years, there was impacts on front line services and inflation was hitting hard. He said budgets had been reduced both in capital and revenue expenditure and a proposed rate increase (from the previous year (2023/24) for both district and non-domestic was 7.4%. He said with this it was hoped to deliver to the community, manage uncertainties and estimate as prudent and conservatively in line with what is anticipated. The Chief Executive concluded that, as had been the case in recent years, Council had to prepare its Rate estimates in the absence of a confirmed rate support allocation from the Department for Communities and as was always the case, knowledge of national pay awards, but from his perspective the Rate estimate was sufficiently robust.

Proposed by Councillor Varsani  
Seconded by Councillor and McNamee

**Resolved**    That Members have regard to the Chief Financial Officer's comments in relation to the robustness of the estimates when considering the Rate estimates.

### **SC007/24    Adequacy of Reserves 2024/25**



The SD: CSF presented previously circulated report in relation to the adequacy of Council's projected reserves for 2024/25. He stated that, if the district Rate struck for 2024/25 reflected an increase of 7.4% from the 2023/24 district Rate, he was satisfied that the Councils' reserves would be adequate in the medium term. However, he reminded Members that Council should always be mindful that it would be prudent to have cash reserves available so that it is prepared if difficult financial times occur. He concluded that Council had sufficient reserves.

Proposed by Councillor McGuigan  
Seconded by Councillor Mallaghan and

**Resolved** That Members have regard to the Chief Financial Officer's comments in relation to the adequacy of the reserves when considering the Rate estimates.

### **SC008/24 Rates Estimates 2024/25**

The SD:CSF drew attention to the previously circulated report regarding the 2024/25 Rate estimates. He stated that it was one of the most important papers presented to Council in any year and drew attention to the fact that Council continues to feel the effects of applying a balance than in the previous year and impacts from the reduction in rates support grant in 2022/23 and 2023/24. The SD:CSF outlined that for 24 of the past 26 years, i.e., every year bar 2022/23 and 2023/24, the rates support grant had been no less than approximately £16m divided between the seven (formerly thirteen prior to local government reform on 1 April 2015) eligible councils. He reminded Members that rate support grant had been cut to approximately £9m in year 2022/23 and further reduced to approximately £5m in year 2023/24 which had had dramatic financial consequences for all councils impacted. It was noted that now the NI Assembly was sitting again it is reasonable to anticipate that locally elected representatives will better appreciate the significance of rate support grant for eligible councils and that it is not unreasonable to anticipate that the minimum rates support grant will re-instated to at least just under £16m as it had been prior to the suspension of the Assembly. The SD:CSF outlined that officers had considered the estimated penny product and had thought long and hard prior to compiling the calculations which underpinned the Rate estimates, noting that Council appeared to be in a moderately stable financial position compared to other some other councils. Referring to the previously circulated report, he explained the officers' thinking in relation to what was, in their opinion, a relatively cautious but appropriate course of action considering the macro (economic) and micro (internal) factors and costs. On the basis of assumptions outlined within the previously circulated report, he recommended a 7.4% increase on both domestic and non-domestic district Rate which should leave Council in a reasonable position to face all reasonably foreseeable financial challenges in 2024/25, bearing in mind that as recent years had shown with Covid and the cost-of-living crisis both Council and society could face unforeseeable challenges.

The Chair, Councillor Molloy sought comments.

Councillor McLean said whilst often parties disagree for different reasons the Rate setting brings on a different type of seriousness as it impacts every single rate payer

and member of each constituency. He concurred with the comments made by the Chief Executive and the SD: CSF and spoke of the hard work and time spent in reaching a Rate proposal. He commended Councillor Brown, the DUP number cruncher, for time spent looking at proposals from DUP perspective. He acknowledged there was a science in striking the Rate, that there was understanding of the rate support grant, the impact of inflation especially on capital projects as each recent project due to increasing labour and material costs were finishing some 10% over budget. Councillor McLean spoke of the cost-of-living crisis and whilst many across the district had a good quality lifestyle many did not as some families in the district were living on the breadline. With this in mind he said it would be rash and reckless not to consider the impact of any increase on rate payers, he spoke of disparity in the LPS process in relation to the estimated penny product and understood that in balancing all out officers had opted to recommend an increase of 7.4%. He said that, in his opinion, by taking money out of different pots the figure could be squeezed and noted that, although mentioned by the DUP Members previously to the officers these specific reductions did not appear to be reflected in the officers' proposal. Councillor McLean proposed a 5.9% rise in the rate.

Councillor Brown seconded the proposal.

The Chair, Councillor Molloy sought Members direction as to whether they wanted more detail or to go straight to vote.

Councillor Wilson thanked officers for their proposals. He said that the Rate had been increased by approximately 7% in the previous year and that the UUP feel there could be more reason to reduce from 7.4% to 6% which is in the region of the DUP proposal. He said that Council could look at cutting back for example some additional funding allocated to community grants as this was a major issue. He acknowledged that Council was not in a position to bid for big events but noted that as it is one of the lowest borrowing councils, on occasions like this he would reiterate what Councillor McLean had stated with regard to the cost of living and suggested that Council could borrow against its assets to lower the Rate.

The Chair, Councillor Molloy with there being no further proposals called for a vote on Councillor McLean's proposal of a 5.9% rise in the rate.

For	32
Against	7
Abstained	0

The Chair, Councillor Molloy declared the proposal carried.

Proposed by Councillor McLean  
Seconded by Councillor Brown and

**Resolved** That Council agree a 5.9% rise in its domestic and non-domestic Rate and, in doing so it would:

- (i) To strike a non-domestic and domestic rate of 26.9452 and 0.3983 respectively;
- (ii) Approve the Rate estimates as presented by the officers and authorise the associated net expenditure in the amount of £59,383,371.
- (iii) Authorise the Chief Executive to vire such amounts between budget headings as he deems necessary to secure Council's objectives in 2024/25.

The Chief Executive thanked Members for the consideration of the figures prepared by the SD:CSF and said that the officers would provide clarity in due course of how the difference in the increase in Rate from 7.4% to 5.9% would be met. He said it was doable but Council may have to further dip into its reserves; however, it was a manageable risk. He said that Council had one of the lowest costs per capita in its district and would remain so as it continued to be a prudent and productive organisation.

The Chief Executive outlined that while continuing to deliver on essential services, the incoming year will see the Council continuing to secure external funding such as PEACE Plus and Levelling Up for a range of capital investment and community projects, to help us invest further in our local area for the benefit of residents and business communities. He highlighted that the villages of Coalisland, Moy, Bellaghy, Clady, Castledawson, Moneymore and Castlecaulfield will benefit from £3.46M of investment thanks to the Small Settlements Regeneration Programme, and at the same time, Maghera is set to benefit from £9M Levelling Up funding for three interrelated projects to support economic growth and drive regeneration in the town. In addition, on-going investment in pitch, play and leisure facilities as part of the Council's Pitches, Play, and Outdoor Recreation Strategies is also planned in the year ahead, including the significant development of pitches and walkways all of which are important to Members and the public alike.

In stating that whilst central government is retracting Council is stepping up and will work in partnership with the Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media, in co-operation with the Department for Communities to deliver a £4M investment programme to enhance Bellaghy and Bellaghy Bawn by creating a literary hub of international significance.

The Chief Executive drew attention to how through the MSW Growth Deal, the Council will progress the delivery of critical economic infrastructure including the A29 Cookstown bypass and spoke of the forthcoming conceptual design and indeed the plans for a Dungannon bypass. He further highlighted the plans through the MSW Growth Deal for development of industrial lands at Desertcreat with the aim of the first decarbonised site in the country. He said too that Council will develop investment to improve our active travel network through the development of a new Active Travel Masterplan for the district.

Speaking of enterprise, the Chief Executive highlighted that as part of the new enterprise and business support service "Go Succeed", will support 388 local entrepreneurs to achieve their start-up ambitions and support 400 businesses annually across Mid Ulster, to stimulate 128 new business starts and create 400 new

jobs. That through the Mid Ulster Labour Market Partnership (LMP), we will also support over 100 residents on a pathway back into employment or to gain new skills, improving their prospects of progression within the local labour market.

Advising that digital transformation remains a priority the Chief Executive said that Council aimed to deliver efficient services to our ratepayers, whilst leaving no-one behind. Noting a number of internally focused transformation proposals; some will be progressed over the next year and some over the longer term. Commenting on Council's plant and machinery he said there was plans to progress from fossil fuel dependency to carbon neutral. In conclusion he said that often in the smoke of the figures, outcomes are forgotten.

Councillor McLean thanked all who supported the proposal and acknowledged it may not be where all wanted to be. He extended his thanks to the officer team and in conclusion said that he believed all had been considered in the proposal and to those who did not vote for it, he posed the question were they willing to go with the officer proposal?

*Councillor Burton left the meeting at 7.40pm*

Councillor Mallaghan said that when people pay rates Council receive 42% and it is with that it delivers and outlined that the rates also pay towards roads, funding the National Health Service and such like. He said that society had come through a difficult period with workers on strike and Sinn Féin was glad to have stood with them. He said whilst it was difficult to calculate rates it was understood that you need to pay more and referring to Councillor Wilson's comments that Council could borrow, he said he did not feel that is the best way forward. Councillor Mallaghan said that there had been difficult decisions over the past eight years and Sinn Féin had made these as all Members demand more and more good services yet when it comes to resourcing the decision is left to others. He extended appreciation to the Chief Executive and SD:CSF for the time taken with parties and said with the increased rate intake and potentially lowering inflation it would be interesting to see how the rates estimates would play out. Stating that council was one of the best of the 11 councils he said there was good connections, relationship and value for money but there was those Members who did not vote with the 5.9% and the public should hear what they want and where do they want the money to come from to pay for it.

Councillor Monteith said he had not expected the debate to move so quickly and emphasised that he was opposed to any rate increases. He said there was much talk about projects, but people are not seeing them on the ground. Continuing he said it was being preached by the great and the good that no one should be paying more, and he would not be lectured by rejecting increases that impacts all. Speaking of the rates support grant he said it has been continually asked that this is reviewed but nothing happens. He also said that rates in the north are overburdened and businesses would be forced to close because the money comes out of peoples pockets. He said that town centres are closing, people cannot make a living and now the British government were making it easier to turn retail premises into housing. He reiterated he would not be lectured on rejecting increases.

Councillor Kerr said that he voted against the increases as many people are experiencing financial hardship, that he was working class and sees much poverty in the community especially through his volunteer work at the foodbank. He concluded that he too refused to be lectured as those who were increasing the rates were the same as those who wanted to close local recycling centres.

Councillor Quinn said that Council is increasing the rate as funding had been cut and drew attention to the fact that those residents in the former Dungannon and South Tyrone district had seen an increase of some £200 per annum in rates as the rates support grant had halved and the regional rate had increased. He said that rate payers are being punished because governments are not doing their jobs but now hopefully with Stormont up and running there would be change. He said it was good that people were not expected to pay water rates but are expected to pay additional rates. He said the SDLP had supported worker, but no one was receiving either a 7.4% rise of a 5.9% rise and stated that the vote had moved quite quickly. He concluded in volunteering with St Vincent de Paul he had witnessed the people seeking help doubling and people should not be paying more.

The Chair, Councillor Molloy said that in relation to comments regarding the vote moving quickly he suggested Members go home and listen to the meeting to see how long the silence lasted until the vote was called.

Councillor Mallaghan stated 'bluff and bluster' with no responsibility for anything. He stated that to sit in the chamber across several mandates and say to the community there had been no improvements was an insult to years of hard work and to officers especially when Councillor Monteith's slogan for election had been 'Look at one has done, see what two can do!'. He concluded that if you wanted a difference you had to pay for it.

Councillor S McPeake said he had been sitting at home listening attentively to debate what he thought would be two proposals. He stated he was flabbergasted at the claims that the situation had been bounced upon some Members. Councillor S McPeake said that everyone had had a fair chance to make their proposals, there had been every opportunity to highlight individual parties plans for the rate but instead there had been a deafening silence which he called political cowardice.

The Chair Councillor Molloy thanked Members for their contributions and the officers for their time in preparing the rates proposals.

#### **SC009/24 Approval of Rates Estimates 2024/25**

- Resolved**
- (i) Authorisation of the expenditure included in the Rates estimates;
  - (ii) Fixing for the financial year beginning 1 April 2024 the amount to be raised by means of Rates and striking the domestic and non-domestic Rate for 2024/25.

*The live broadcast concluded at 7.50pm*

**SC010/24 Duration of Meeting**

The meeting was called for 7.00 pm and ended at 7.50 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.





**Minutes of Meeting of Environment Committee of Mid Ulster District Council  
held on Tuesday 13 February 2024 in Council Offices, Circular Road,  
Dungannon and by virtual means**

<b>Members Present</b>	Councillor Cuthbertson, Chair  Councillors J Burton*, J Buchanan, Cahoon, Kelly, Groogan, Mallaghan, McAleer, McElvogue, McGuigan, McNamee, Milne* (7.47 pm), Quinn*, Robinson, Varsani
<b>Officers in Attendance</b>	Mrs Campbell, Strategic Director of Environment (SD: Env) Mr McAdoo, Assistant Director of Environmental Services (AD: ES)** Mr McNeill, Capital Development Manager (CDM)** Mr Scullion, Assistant Director of Property Services (AD: PS) Miss Thompson, Committee and Member Services Officer
<b>Others in Attendance</b>	Councillor Monteith

\* Denotes members and members of the public present in remote attendance

\*\* Denotes Officers present by remote means

\*\*\* Denotes others present by remote means

The meeting commenced at 7.00 pm

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

**E025/24 Notice of Recording**

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

**E026/24 Apologies**

None.

## **E027/24      Declarations of Interest**

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

## **E028/24      Chair's Business**

The Chair, Councillor Cuthbertson stated that Councillors in the Dungannon area had recently received calls in relation to incident on Dungannon-Cookstown Road in which a horse was killed. The Councillor stated that leading up to this incident concerns had been raised by the public to PSNI, Council and other departments and asked officers to bring back a report in relation to Council responsibilities on collecting dead animals. Councillor Cuthbertson stated he realised there is some overlap with the Development Committee on this issue and asked that officers reporting to that Committee also bring forward report in relation to Council's role regarding animal welfare. The Councillor stated he was still receiving calls in relation to further horses on the lands on the Cookstown Road and that there is very little fencing keeping these horses in. Councillor Cuthbertson stated there is a road safety issue and that an accident could happen again and that there are also concerns regarding the welfare of the horses and asked that the reports be brought forward to the relevant Committees.

Councillor Robinson referred to calls he had received from Aughnacloy Playgroup who have had a number of issues with sewerage at their facility. The Councillor stated that this issue has been ongoing for some months with staff having to use toilets in the town rather than the playgroup and that the playgroup has also had to close early on a couple of occasions. Councillor Robinson stated it was his understanding that the playgroup is located within Council property and that responsibility lies with Council on this issue and asked for confirmation on this.

The Assistant Director of Property Services (AD: PS) stated he would come back to Councillor Robinson to confirm the situation.

## **Matters for Decision**

### **E029/24      Consultation on Reforming the Producer Responsibility System for Waste Electrical and Electronic Equipment (WEEE)**

The Assistant Director of Environmental Services (AD: ES) presented previously circulated report which sought approval for a consultation response on reforming the Producer Responsibility System for Waste Electrical and Electronic Equipment (WEEE).

Proposed by Councillor McGuigan  
Seconded by Councillor McNamee and

**Resolved** That it be recommended to Council to approve the proposed consultation response as outlined at appendix to report.

#### **E030/24 Bus Shelters Update**

The Capital Development Manager (CDM) presented previously circulated report which provided update on current bus shelter status.

Councillor McAleer proposed the report and asked for an update in relation to bus shelter for St Colmans Park, Moortown as this matter has been ongoing for a long time.

The CDM agreed with the Councillors comments that the request for this bus shelter has been in process for a long time and agreed to follow up on the matter.

The Assistant Director of Property Services stated that officers are as frustrated as the Councillor in relation to the back and forward with NIHE and Council's legal team and agreed to follow up on the matter.

Councillor Robinson seconded Councillor McAleer's proposal.

**Resolved** That it be recommended to Council that –

- Bus shelter applications listed under 3.7 in report are recommended for approval to installation this month.
- Bus shelter applications listed under 3.8 in report are recommended for rejection this month.

#### **E031/24 Street Naming and Property Numbering**

The Assistant Director of Property Services (AD: PS) presented previously circulated report which considered the naming of new streets within residential Housing Developments within Mid Ulster District Council.

Site off Roughan Road, Newmills, Dungannon

Proposed by Councillor McNamee  
Seconded by Councillor McAleer and

**Resolved** That it be recommended to Council to name development off Roughan Road, Newmills, Dungannon as The Rowan.

#### **E032/24 Dfl Roads Proposal to Mid Ulster District Council – No waiting at any time restriction at Jockey Lane, Moy**

Members considered previously circulated report which sought agreement in relation to proposal to introduce no waiting at any time, loading and unloading at Jockey Lane, Moy.

Proposed by Councillor Cuthbertson  
Seconded by Councillor McNamee and

**Resolved** That it be recommended to Council to endorse the proposal submitted by Department for Infrastructure Roads in relation to proposal to introduce no waiting at any time, loading and unloading at Jockey Lane, Moy.

### **Matters for Information**

#### **E033/24 Environment Committee minutes of meeting held on 8 January 2024**

Members noted minutes of Environment Committee held on 8 January 2024.

#### **E034/24 Bin Ovation Update**

Members noted previously circulated report which provided update on usage and functionality of the Bin-Ovation App.

Councillor Cahoon referred to the different aspects of the Bin-Ovation App such as checking a bin collection day and reporting flytipping, litter and graffiti and asked if officers felt the subscription fee of £6k is value for money as there is good social media in relation to collection days and that the Council website also provides good information. Councillor Cahoon also highlighted that when you use the app to check a bin collection day it takes the user to the Council website.

The Assistant Director of Environmental Services (AD: ES) stated that in relation to value for money the report indicates there are over 10k users of the Bin-Ovation app and that therefore the cost per user is quite low. The AD: ES stated that he took on board the Councillors comments in relation to linkages to the Council website and that going forward officers will review the use of the app in line with Council's digital transformation strategy.

Councillor Burton referred to his previous request for more bins to be located in the Dungannon area and asked for an update on this. The Councillor also referred to dog fouling litter and whether this can be disposed of in street bins or whether a separate bin is required.

The Chair, Councillor Cuthbertson advised that dog fouling can be disposed of in any street bin.

#### **E035/24 Northern Ireland Local Authority Collected Municipal Waste Management (LACMW) Report for July to September 2023**

Members noted previously circulated report which provided update on Council's performance in relation to recycling and landfill diversion targets as outlined in the

NIEA Northern Ireland Local Authority Waste Management Statistics Report for Quarter 2 of 2023/24 from July to September 2023.

**E036/24 Building Control Workload**

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

**E037/24 Entertainment Licensing Applications**

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

**E038/24 Dual Language Signage Surveys**

Members noted previously circulated report which advised of the result of surveys undertaken on all applicable residents on the streets/roads in response to Dual Language Signage Nameplate requests.

**E039/24 Dual Language Signage Requests**

Members noted previously circulated report which advised of requests for Dual Language Signage from residents on the streets/roads in question.

*Live broadcast ended at 7.15 pm.*

**Local Government (NI) Act 2014 - Confidential Business**

Proposed by Councillor McNamee  
Seconded by Councillor McAleer and

**Resolved** In accordance with Section 42, Part 1 of Schedule 6 of the Local Government Act (NI) 2014 that Members of the public be asked to withdraw from the meeting whilst Members consider items E040/24 to E048/24.

**Matters for Decision**

E040/24 Sustainable NI Membership 2024/25  
E041/24 Tender for 3G Sports Pitch Maintenance  
E042/24 Electricity Supplies - Contract Extension 2024/25  
E043/24 Tender report for the appointment of Vehicle Suppliers

**Matters for Information**

E044/24 Environment Committee Confidential Minutes of meeting held on 8 January 2024  
E045/24 Capital Framework – ICT Contracts Update  
E046/24 Capital Framework – IST Contracts Update

5 – Environment Committee (13.02.24)

E047/24 Disposal/Sale of Assets – Fleet and Plant  
E048/24 Dual Language Signage Survey Update

**E049/24 Duration of Meeting**

The meeting was called for 7.00 pm and ended at 7.45 pm.

CHAIR \_\_\_\_\_

DATE \_\_\_\_\_

## Annex A – Introductory Remarks from the Chairperson

Good evening and welcome to the Council's [Policy & Resources/Environment/Development] Committee in the Chamber, [Dungannon/Magherafelt] and virtually.

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





**Minutes of Meeting of the Development Committee of Mid Ulster District Council held on Thursday 15 February 2024 in the Council Offices, Circular Road, Dungannon and by Virtual Means**

**Members Present**

Councillor McNamee, Chair

Councillors Black, W Buchanan\*, F Burton, Clarke\*, Corry\*, Forde\*, Gildernew, McLernon, McQuade, Milne\*, Molloy, Monteith, Quinn\*, Wilson\*

**Officers in Attendance**

Mr Black, Strategic Director of Communities & Place (SD: C&P)  
Ms Linney, Assistant Director of Development (AD: Dev)\*\*  
Ms McKeown, Assistant Director of Economic Development, Tourism and Strategic Programmes (AD: EDT&SP)\*\*  
Ms McCartney, Strategic Programme Development Manager (SPDM)  
Mr Brown, ICT Support  
Mrs Grogan, Committee and Member Services Officer

**Others in Attendance**

Agenda Item 5 – Deputation – Cairdre Ní Néill (Irish Language Hubs)  
Mr Séamus Ó Gealbháin (Cathaoirleach – Chair)  
Mr Damian Ó Néill (Oifigeach Forbartha Gaeilge – Irish Development Officer)  
Mr Gerry Ó Gealbháin (Oifigeach Forbatha – Development Officer)

Councillor J Burton\*\*\*  
Councillor Kerr\*\*\*  
Councillor S McPeake\*\*\*

\* Denotes Members present in remote attendance

\*\* Denotes Officers present by remote means

\*\*\* Denotes Others present by remote means

The meeting commenced at 7.00 pm.

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

**D018/24 Notice of Recording**

This meeting will be webcast for live and subsequent broadcast on the Council's YouTube site.

## **D019/24 Apologies**

Councillor Bell

Mr Gordon, Assistant Director of Health, Leisure and Wellbeing (AD: HL&W)

## **D020/24 Declaration of Interests**

The Chair, Councillor McNamee reminded Members of their responsibility with regard to declaration of interest.

*Councillor Gildernew declared an interest in Mid Ulster Swim Academy 2023 Review as relative works in Leisure Centre.*

*Councillor F Burton declared an interest in Agewell.*

*Councillor Corry declared an interest in Agewell.*

*Councillor Milne declared an interest in Agewell.*

*Councillor Wilson declared an interest in Good Relations - Mid Ulster Pipe Bands.*

## **D021/24 Chair's Business**

Councillor Molloy said he wished to raise an issue regarding Aughnacloy Playgroup. The member advised that he had been approached by a member of the board raising concerns about inadequate facilities at the site. The playgroup is situated beside Aughnacloy pitches which is our property, and they lease a portion of the land. The member advised that the playgroup is having issues with toilet facilities and sewage and unfortunately had to close this week due to trying to get these concerns resolved. He asked that the different agencies be approached i.e. NI Water or DfI or whoever is responsible to come together to get a long-term solution as this has been going on now for several years.

Councillor F Burton said that she supported comments by the previous speaker as this was a very well-run playgroup but unfortunately, they are encountering these issues on a regular basis and said that any support that could be provided would be very much welcomed.

Councillor Gildernew concurred with previous comments and said that the playgroup does not have much available money and cannot run a facility without toilets and asked that anything that can be done to support the playgroup so this matter is resolved would be very welcome.

## **D022/24 Deputation – Cairde Uí Néill (Irish Language Hubs)**

The Chair, Councillor McNamee welcomed Mr Séamus Ó Gealbháin, Mr Damian Ó Néill and Mr Gerry Ó Gealbháin from Cairde Uí Néill and invited them to make their presentation (appendix 1).

The representatives provided presentation on the work of Cairde Uí Néill. Cairde Uí Néill are a Irish Language Voluntary Community Group which was founded in 1992 and registered as a Charities Commission in 2016, which serves the Coalisland/Clonoe Parishes and surrounding areas in Mid Ulster.

Cairde Uí Néill promotes:

- Irish Medium Education (IME)
- Community Engagement
- Expansion of Objectives
- Accountability and All-Ireland Recognition

Challenges to overcome -

Deficiencies/Inefficiencies in Current Service Provision:

- Lack of permanent facility
- Restricted class availability & inadequate ICT and internet access
- Venue limitations for events
- Youth Club challenges
- Examination preparation constraints
- Accessibility issues with the office for the Language Development Officer
- Despite these challenges, Cairde Uí Néill remain proud of its achievements in service provision, community uptake, program visibility, and outreach to users of all ages

How can Mid Ulster District Council help:

- Cairde Uí Néill have successfully secured Letter of Offer for £198k to purchase building and grounds from Dept of Communities under Indigenous Languages Capital Fund.
- Cairde Uí Néill have successfully secured match funding for £150k from Ciste Infhéistíochta na Gaeilge to help with purchase and initial basic renovation of building and grounds.
- Additional match funding available from Ciste Infhéistíochta na Gaeilge of £50k dependent on Cairde Uí Néill securing a further £50k. A letter of Offer from Council for £50k automatically secures Cairde Uí Néill the matched funding from Ciste, without this, the project is in danger of not happening.
- This is a key project in terms of Irish Language and Community Development both for Cairde Uí Néill and for the Councils own language strategy.

The Chair thanked Seamus, Gerry and Damian for their presentation and said that the group were doing brilliant work throughout Mid Ulster, particular in the Coalisland area. He said that he liked their vision for the future as it will compliment all the work the group was doing and would be fully supportive of supporting this initiative going forward.

Councillor McLernon wished to thank Cairde Uí Néill for their presentation this evening. The member said that she was very aware of this project and the massive

benefits this will have, not only to the Irish speaking community and the promotion of the Irish language, but to the wider community of Coalisland, the hub will be an immense benefit to the Coalisland community and the wider catchment area as it will be another element to that area of the town which will link up the Irish school and the development of Gortgonis. The member advised that this was a great foresight for Cairde Uí Néill to see this massive potential for what it will have for the community and felt that Council should see no reason not to support this application for funding as it was in line with Council's regeneration plans for that area of the town. She said that there was a need to recognise all the hard work that has been put in by Cairde Uí Néill as most of the work that has been done down through the years has been done voluntarily and community supported and as stated tonight in the presentation, the project is on the button in terms of what the Council is asking community groups to do, the group has went and done all the hard work, secured other funding and would encourage the group to work along with Council Officers to get the right funding package. The member wished Cairde Uí Néill every success on their application for the project and looked forward to seeing it delivered.

Councillor Molloy thanked the group for their presentation and stated that Cairde Uí Néill have always been to the fore promoting the Irish language and doing the groundwork in terms of what is happening over this last 30 years, not only in Coalisland but across South Tyrone and now Mid Ulster area. The member wished the group well with their project and whatever help is required through Council, to please come forward.

Councillor Quinn thanked Cairde Uí Néill for their excellent presentation and referred to all the great work the group has done over the years in Coalisland, which was plain to see. He said that given the fact the group does not have a hub or a centre but continue to do all the fantastic work in which they have done, speaks volumes. The member advised that he had lived in the Gaeltacht area of West Belfast as a student and had always thought it was fantastic idea, and through conversations with representatives from Cairde Uí Néill over this last couple of months, this could be a name that we could get and really develop the initiative. The member said that their aim to develop an area of the town that is a key part for this Council and certainly for funding, he did not see any reason why this Council would not be supporting the group as they provide fantastic work and look forward to see what the outcome is in the future.

Councillor Quinn referred to the site of the old boxing club, which is now a coffee shop called Uppercut, already a lot of development has been done which was basically an eyesore in the past and Mr Quinn has turned this into a great business. He enquired what Cairde Uí Néill's plans were and asked if they were working with Mr Quinn.

The representatives advised that they were working with Mr Quinn every step of the way and he was very supportive of the project as he sees it as bringing business to his business as well. The group are currently with McKeown & Shields Architects to reconfigure the site to try and retain Mr Quinn on the site. Gaelscoil at Gortgonis is anticipated to be up and going in the next year or 18 months which is a quite a rapid build and hoped that this would be operational by summer 2025, until that point the afterschool facility would not move in and had advised Mr Quinn to retain his lease

and they would work with him. One of the other aspects that had been mentioned earlier was about linking in with the Canal Path, it actually backs on to the Canal Path and at some point in the future with Phase 2 or Phase 3 of the development, a coffee shop is being looked at as a drop-in centre for the Cairde Uí Néill and Irish speakers within the town which would open onto the Canal and conversations has taken place with Mr Quinn giving him first refusal on the lease with Mr Quinn thinking it was a fantastic opportunity for his business.

Councillor Quinn felt that this was a fantastic idea as our Council has tried this over the recent years and had hit a brick wall. The member stated that if the site was opened up onto the Canal, the possibilities would be endless and a fantastic opportunity and great to see an organisation like Cairde Uí Néill doing that. The member wished the group well in their future endeavours and said that anything that he could do to help, to get in contact.

Councillor Kerr paid special thanks to Gerry, Seamus and Damian as it was good to see arguably three Coalisland Fianna men giving a presentation. The member said that this was a fantastic opportunity for the community of Coalisland to potentially turn a derelict building into a thriving community hub. In the recent Census, Coalisland had a high concentration of Irish language speakers and his cousins had attended the primary school in Clonoe, hundreds of children have passed through the corridors of the school and had provided a great platform and not just about education, but about community involvement. The member stated that he had absolutely no doubt that Council would be very keen to engage with the group and provide the extra funding required to make this reality into a flourishing community initiative. The member said that if the group need any help from the Torrent Councillors, then don't be afraid to reach out as we all have a vested interest in trying to promote our native language.

The Chair thanked representatives for attending the meeting tonight and said that the group could see for themselves the support from throughout the Chamber and advised that Officers would be in touch to discuss options for funding. The Chair wished Cairde Uí Néill all the best going forward.

*The representatives from Cairde Uí Néill withdraw from the meeting at 7.29 pm.*

## **Matters for Decision**

### **D023/24      Development Report**

The Assistant Director of Development (AD: Dev) presented previously circulated report which sought approval for the following –

- Rolling Community Grants
- Hill of the O'Neill Telecommunications Mast - Update
- Good Relations Plan 2024 - 2025
- Development Department - Update

Councillor Molloy referred to NI Water – Telecommunications mast and said that this news was seriously disappointing and almost an act of bad faith in what was previously agreed. The member advised that discussions had taken place over 12 months ago and at that stage his understanding was that NI Water was agreeing there and then to a feasibility study to look at the mast in partnership with the Council and now hearing the rollback that it is not in the budget, not a priority for them, same old, same old. The member stated that Council needed to be holding them to account and suggested writing to the now installed Minister inviting him to attend an onsite meeting to have a look at the situation, to discuss a way forward as a priority.

Councillor Monteith said that this was nothing short of a disgrace, this Council has been treated atrociously, the people of Dungannon have been treated atrociously, the wider area has been treated atrociously and this is the worst acts of ignorance of opinion right across the board he has seen in 20 years as a Councillor. This way forward was not of our choosing, it was NI Water who wanted to go down this path, it was NI Water who stated that this needed to go down a route of a feasibility study despite repeated requests from elected members as to updates and where we were at and were met with silence. The member said that it was the very good faith of this Council to agree to pay 50% of the costs in the first instance, given the fact that this mast is the sole responsibility of NI Water. The member referred to what Councillor Molloy previously alluded to that over 12 months ago NI Water lead Council to believe that there end of the bargain was secured and finds it incredibly difficult to get his head around how this would have been put to tender without them having the money in place to back it up.

The Strategic Director of Communities and Place (SD: C&P) said that it was his understanding that NI Water were looking to appoint through a framework or contract they had in place and were engaging with this company to try and ascertain a price. The price which was initially quoted to Council increased and we went back to seek approval to uplift the amount of money the Council were bringing. The SD: C&P said that he would agree with members comments as he too was at the meeting and was also under the impression that NI Water had agreed to this, and had their finances secured.

Councillor Monteith enquired how could a public body initially tender for a process without having the money in place to do so and found it nothing short of a disgrace. He said that this will be the same process again going out and being more expensive, talk about a waste of money. The member felt that there was a need to put the pressure on but said that we were now well past feasibility studies as everyone knows what the answer is and that the monstrosity on the Hill has to go. The member stated that he was not massively in favour of the line of attack in the first place, but there was a need to take these people at good face value which has now basically been threw back in our faces. He said another 12 months has been wasted and seemed to him that every time there is any sort of pulling with this organisation in the last 20 years, that anytime you think you are getting anywhere, it's stalled and a stalling tactic all the time. The member said that there was a serious need to look at the issues around the site as it is a natural heritage site and planning permission submitted all the time for further antenna and that mast wouldn't have received planning permission if it wasn't there. He said that this is one of the worst examples he had witnessed in his lifetime as a Councillor and was absolutely

flabbergasted when he read the minutes of the meeting as it was an absolute disgrace.

The Chair also concurred with previous comments and agreed that this was a disgrace, NI Water approached Council to ask if we wanted to pay for it all, given the fact it was their apparatus.

Proposed by Councillor Molloy  
Seconded by Councillor McNamee and

**Resolved** That it be recommended to Council to write to the now installed Minister responsible inviting him to attend an onsite meeting to discuss a way forward as a priority.

Councillor Gildernew referred to point 2.3 of Good Relations Plan for 2024/25 and said that it was great to see it there and hoped that Good Relations funding would be based on the 2022/23 level of funding and not on the lower budget that was set last year. The member said that in terms of the Good Relations Working Group, she was nominated to the group when she became a new Councillor and asked if there was any update as she was not aware of any meetings taking place.

The AD: Dev advised that the Good Relations Working Group operates under Corporate Services and aligns mainly to Equality Section 75 and the decoupling of the Good Relations and would take consideration of a Good Relations issue that may come from a Section 75 review. The AD: Dev said that if there were any strategic issues potentially at a corporate level it does come together. The AD: Dev advised that she would check if the group is anticipated to meet.

Proposed by Councillor Molloy  
Seconded by Councillor McLernon and

**Resolved** That it be recommended to Council to –

- Approve the assessment panel recommendations under the Sport Representative grants.
- Approve the Good Relations Plan 2024 -2025
- Note the update from the Development update.

#### **D024/24 DfC Letter of Variance – Active Travel & Covid Small Settlements**

The Strategic Director of Communities and Place (SD: C&P) presented previously circulated report to:

- Provide members with an update on Covid-19 Recovery Revitalisation Programme – Active Travel and to seek approval to accept Letter of Variance
- Provide members with an update on Covid Recovery Small Settlements Regeneration Programme and to seek approval to accept Letter of Variance

Councillor F Burton said that she would be happy to propose the report as it was great to see that they are proposing to extend to March 2025. The member referred

to Active Travel Schemes and enquired where the new Council was currently at. She also enquired going forward would there be an opportunity to add in new areas into this scheme and when they anticipated to meet.

The SD: C&P advised that Council had appointed a contractor to work with us on the development of an Active Travel masterplan for the district. The starting meeting of the contractor had commenced a number of weeks ago, with Officers currently agreeing the timeline in relation to engagement. The SD: C&P stated that there would be specific engagement with elected members as well as wider engagement with the community and other partners.

Councillor F Burton referred to Aughnacloy Village Plan going forward, and said there was talk about areas that wished to be included the plan and felt it was a good way of lining up what people are seeking from that area and hoped that this could be progressed.

Proposed by Councillor F Burton  
Seconded by Councillor Gildernew and

**Resolved** That it be recommended to Council to note the contents of the reports and due to the deadline for return, that retrospective approval be given to signing of the Covid-19 Recovery programme and Covid Recovery Small Settlements Regeneration Programme Letters of Variance as enclosed within the appendix which grants an extension of the period of funding to 31 March 2025.

#### **D025/24 Mid Ulster Swim Academy 2023 Review**

The Strategic Director of Communities and Place (SD: C&P) presented previously circulated report to provide an update on the Mid Ulster District Council swim lesson programme and to give due consideration to proposed enhancements of the current programme and investment in a be-spoke swim lesson online management module.

Councillor Gildernew said that this all sounded very progressive and should no doubt ease the frustration experienced by parents trying to get swimming lessons booked term after term. The member said that she hoped that Council would fully train and resource the swim teachers when the time comes for the new assessment, and this be reflected in any future pay discussions taking place.

Councillor Molloy said that he was sure that members have been inundated with issues around swimming lessons and bookings and felt there needed to be a better solution with technology the way it is. People queuing up at leisure centres in the rain to enlist for swimming lessons is not an ideal way and also not ideal for staff's time at the front desk signing people up. The member said it was interesting to see the increase in the number of people coming into the leisure centres since covid as initially he thought our leisure centres may have taken a downfall, but those numbers have increased steadily. 35% of leisure income was from swimming which was encouraging and for young people in particular, a life-skill to learn to swim can be a lifesaver, this encourages people into swimming and improves our registration process in the meantime.



Councillor Monteith advised that he had been approached regarding private swimming tutors and was aware of an ad hoc system ongoing in Dungannon which was suspended with a review to trying to regularise it and come up with a way forward and enquired if Council was any further on with that. The member said that after speaking with Officers they had hoped to bring something early this year.

The SD: C&P advised that a number of reports was to come back, and the next report was in relation to this matter, a policy has been drafted and being reviewed internally before being brought to members attention.

Councillor J Burton welcomed the report in the attempt to tackle the waiting list for the people of Dungannon as he had been contacted by parents waiting for months to enrol for swimming lessons. He was aware of people saying how tricky it was to enrol at reception but enquired if people would still be able to use this facility for enrolling in person across the three sites going forward as not everyone is tech savvy.

The SD: C&P said that it was his understanding that all of the functionality through the leisure hub system that people can access offsite will also be available at our receptions.

Councillor F Burton referred to comments regarding lessons all being booked out and had recently seen that Fivemiletown College Youth Annex swimming pool had availability and felt that this could be an ideal opportunity to use their facilities. The member said that it would be beneficial for children and schools from the Clogher Valley area to use this facility as it is quite a distance to use the pool in Dungannon. She asked if this could be investigated if there was a lack of availability in Dungannon that people are signposted to Fivemiletown Annex as it was a fantastic facility. Some people from Dungannon travel to Fivemiletown as they also have a fantastic fitness suite also.

The Chair felt that there could be more awareness after the new World Champion from County Armagh yesterday, first ever Irish swimmer to win a gold medal.

Councillor W Buchanan enquired if the latest strike had impacted on swimming lessons.

The SD: C&P stated that there was some impact, but Officers were trying to deal with it the best they can.

Proposed by Councillor Molloy  
Seconded by Councillor Monteith and

**Resolved** That it be recommended to Council that approval be given for the direct award contract to the current provider of the leisure IT system for the be-spoke swim lesson management IT module.

## **D026/24 Communities & Place Scale of Charges 2024/25**

The Assistant Director of Development (AD: Dev) presented previously circulated report which provided information to members on the proposed Scale of Charges April 2024 – March 2025 for Communities & Place Directorate and to seek approval to implement from 1<sup>st</sup> April 2024.

Councillor F Burton advised that she had been contacted by email along with the rest of the Clogher Valley Councillors on behalf of Ballygawley Area Development Association (BADA) advising of an office at the Playing Fields being available to hire out to the community and hoped that this could be added in for people who may require a smaller room to hire. The member said that it was at a very reasonable price of £15 per hour or £20 for two hours and was an ideal opportunity to make people aware of this facility.

The AD: Dev said that she would take on board as it was an ideal opportunity to help promote other areas.

Proposed by Councillor F Burton  
Seconded by Councillor McQuade and

**Resolved** That it be recommended to Council that approval be granted to:

- Communities & Place Scale of Charges 2024/25 as outlined within the appendices of the report.
- Amended campsite tariffs as per section 3.5 of the report.

## **D027/24 Economic Development – Broadband Working Group – Terms of Reference**

The Assistant Director of Economic Development, Tourism and Strategic Programmes (AD: EDT&SP) presented previously circulated report to seek approval for updated Terms of Reference enclosed for Mid Ulster's Broadband Working Group.

Proposed by Councillor Molloy  
Seconded by Councillor F Burton and

**Resolved** That it be recommended to Council to approve Council's updated Broadband Working Group Terms of Reference as enclosed on Appendix 1.

## **Matters for Information**

### **D028/24 Minutes of Development Committee held on 10 January 2024**

Members noted Minutes of Development Committee held on 10 January 2024.

Councillor Quinn referred to D010/24 – Dredging of River Blackwater update and stated there was a report to be brought to the Development or Environment Committees which never materialised. The member enquired if dredging has taken place yet and whether the report was to be brought to this committee or Environment Committee.

The SD: C&P advised that the report was due to be brought to the Environment Committee and as previously agreed the Environment Committee would have the oversight on this matter.

The Assistant Director of Economic Development, Tourism and Strategic Programmes (AD: EDT&SP) said that the SD: Env had convened a meeting this week with officers from Armagh, Banbridge and Craigavon (ABC) Council and DfI Inland Waterways team to discuss the dredging issues. The AD: EDT&SP said she understood the SD: Env would bring a composite report to the Environment Committee to update Members.

The Chair hoped that the report could be brought next month.

#### **D029/24 Economic Development Report - OBFI**

Members noted previously circulated report which provided update on the key activities as detailed below –

- Tourism Development Group Minutes – 19 October 2023
- Mid Ulster International Women’s Day Events
- Mid Ulster Enterprise Week 2023 Evaluation
- Taste Mid Ulster Food Heritage Events

Councillor Corry said she wished to raise two comments regarding Mid Ulster International Women’s Day Events and Taste Mid Ulster Food Heritage Events which were both held in Cookstown and Dungannon end and asked if Magherafelt area could be kept in mind for the future as there were some excellent venues in Bellaghy, Maghera, Magherafelt and Draperstown and beyond.

Councillor Corry referred to the speakers for International Women’s Day and said that last year there were some very good events and hitting it a bit harder than previous years in bringing in topics about women’s health, women’s health strategy, healthy relationships, violence against women and girls and menopause strategies etc. and wanted to make sure that these were not excluded due to issues women may be facing on a daily basis.

The Assistant Director of Economic Development, Tourism and Strategic Programmes (AD: EDT&SP) stated that Officers had been in liaison with the Council Chair to agree speakers for the events and these have now been confirmed. She advised information will be sent to all members to update them on the events and indicated the speakers will address key issues to support women’s health, wellbeing, etc, under this year’s International Women’s theme *‘inspire inclusion’*.

The AD: EDT&SP advised that Officers do try and move events around the district each year. She advised this is the first time one of the International Women's events will be held in Cookstown, as to date they've been held in Magherafelt, Dungannon, Moy and Clogher Valley areas. She noted next year the plan would be to have one of the events within the Magherafelt area again, in a central venue convenient for people to travel to from other parts of Mid Ulster.

Councillor Burton said that it would be important not to forget about rural women from rural areas who have to travel to towns. The member noted that it was previously held in the Clogher Valley and said that this must be a very long time ago as she does not remember it being held there. The member referred to venues available, the fantastic Valley Hotel - Fivemiletown, Corick House which is equally fantastic between Augher and Clogher. The member said that she was aware that we have to go around different areas but wants to make sure that everyone gets a chance as they were all ratepayers.

Councillor Wilson referred to Taste Mid Ulster Food and said that he had been contacted by a number of residents concerned about the hosting on the Sunday at 1 pm especially for those coming from Churches, Chapels or places of worship in Moy as some places do not finish until 1 pm. The member said that some residents were concerned about getting back which may be an issue and enquired if Officers had been in contact with all Churches and places of worship regarding this. The member said that a suggestion was made to him about moving the time of the event to 1.30 pm.

The AD: EDT&SP advised the member that Officers have been liaising with local Churches from the outset and that liaison had continued, as recently as this week to make sure the Churches were content with the times and to put in place arrangements for stewards to keep church entrances clear. She advised local Church contacts were content with the time of the event and this was confirmed again with them this week. Furthermore, she advised that music was not planned to start until 1pm, however to alleviate any concerns, she would ensure the music did not commence until 1.30pm. The AD: EDT&SP indicated that as one of the Churches holds an evening service and to be respectful of that, the Food Heritage event would finish at 5pm on the Sunday evening, to ensure there is no noise or disruption to the Church service.

*The live broadcast ended at 8.05 pm.*

## **Local Government (NI) Act 2014 – Confidential Business**

Proposed by Councillor Molloy  
Seconded by Councillor McLernon and

**Resolved** In accordance with Section 42, Part 1 Schedule 6 of the Local Government Act (NI) 2014 that Members of the public in accordance with Section 42, Part 1 Schedule 6 of the Local Government Act (NI) 2014 that Members of the public be asked to withdraw from the meeting whilst members consider items D030/24 to D034/24.

**Matters for Decision**

- D030/24 SHHP Bellaghy Bawn Writers Residency Project
- D031/24 Macmillan Move More Programme

**Matters for Information**

- D032/24 Confidential Minutes of Development Committee held on 10 January 2024
- D033/24 Food Standards Agency Audit
- D034/24 Agewell Project Update

**D035/24 Duration of Meeting**

The meeting commenced at 7pm and concluded at 8.50 pm.

Chair \_\_\_\_\_

Date \_\_\_\_\_

## Annex A – Introductory Remarks from the Chairperson

Good evening and welcome to the Council's [Policy & Resources/Environment/Development] Committee in the Chamber, [Dungannon/Magherafelt] and virtually.

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.

## Gael-Ionad Uí Néill

(Irish Language Community Hub)

Presentation to MUDC  
Thursday 15 Feb 2024

*Cairde Uí Néill*  
*Teanga Bheo, Pobal Beo*



## Cé hiad Cairde Uí Néill?

(Who are Cairde Uí Néill?)

- Irish Language Voluntary community Group
- Founded 1992
- Charities Commission Registered 2016
- Serving Coalisland/Clonoe Parishes & Surrounding Areas in Mid Ulster





## Stair Chairde Uí Néill?

(Where have we come from?)

### **Irish Medium Education (IM):**

- Established first Irish Language School in Tyrone 1992
- Sustained Gaelscoil Uí Néill financially for 3 years via fundraising until the Nursery and Primary school received official recognition from Dept. Of Education
- Continued to provide Financial Support for Irish Medium Education i.e. purchase of classroom mobiles and facilities
- Developed Prenursery (Naiscoil Bheag) and Social Services registered Afterschools (Iarscoil) services providing employment for 3 full-time workers - eg

### **Community Engagement:**

- Operating in an area of social deprivation, Cairde Uí Néill collaborates with the Neighbourhood Renewal initiative to deliver Irish Language Classes aimed at improving outcomes for residents within the community.

## Stair Chairde Uí Néill?

(Where have we come from?)

### **Expansion of Objectives:**

- Over time, Cairde Uí Néill broadened its goals to encompass the promotion of the Irish language for learners & speakers at all levels across the local community. Irish Language Development Officer (ILDO) employed under the Foras na Gaeilge Irish in the Community Schemes:
  - Scéim Pobal Gaeilge (SPG) 2011-2020
  - Scéim Forbartha Líonra Gaeilge (SFLG) 2021-present

### **Accountability and All-Ireland Recognition!**

- The ILDO's work overseen by Cairde Uí Néill sub-committee & monitored/reported to Foras na Gaeilge on a quarterly basis.
- Cairde Uí Néill submits comprehensive reports to the annual Comórtas Ghlór na nGael All-Ireland competition, where it has received National Prizes for its quality, breadth, and sustainability in local provision.





## Cad é a dhéanann muid? Cúram Leanaí (What do we provide? Child Provision )

- **An Naiscoil Bheag** – Premursery for 3 year olds
- **Iarscoil Uí Néill** - Afterschool for primary age pupils -- registered and inspected by Social Services
- **Other Support Initiatives:**
  - 'An Club Bricfesta' - Breakfast Club
  - Maidin Caife – Coffee mornings for Parent & Toddlers
- **Cultural and Educational Events:**
  - Feis Oileáin agus Cluaine – Primary and Secondary school levels
  - Tuairimí debating competition
  - An Rang is Gaelaí - The most Irish speaking Class
  - Scoil Spreagtha – ILDO working in partnership with Gael Tinn across local Primary schools

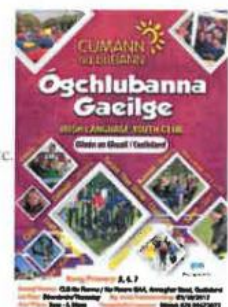


## Cad é a dhéanann muid? - Idir Shean & Óg

(What do we provide? Both Young and Old)

### Cultural and Educational Events for Youth:

- Collaborate with Fóram na nÓg - youth club development / adventure days / Youth Leader Development to enhancing young people's recreational opportunities through Irish
- Lá Gaelige at local GAA clubs' summer camps
- Campa Samhraidh Uí Néill - 2 week All-Irish Summer camp
- Club Scrúduithe - Exam classes and prep for local GCSE and AS/A Level students
- Cainteanna agus Forbairt Pearsanta an Duine – youth talks and presentations on areas such as Online Safety etc.







## Cad é a dhéanann muid? - Idir Shean & Óg

(What do we provide? Both Young and Old)

### • **Community Engagement and Adult Learning:**

- Adult learner classes and strong ties with Ulster University Diploma/Degree/Masters courses in the Irish Language
- Gaeilge sa bhaile – Irish in the Home classes for families of pupils in IM schools and wider afield
- Pop Up Gaeltacht, Conversation Circle, Quizzes & Guest Lectures
- Club Amhránaíochta Singing club, SIÚIL Walking Club, Léigh Leat Reading Group, An Paidrín Prayer group
- Trips to the Gaeltacht regions

### • **Family and Community Events:**

- Cairde Uí Néill organizes family-oriented events, such as children's discos, dinners for religious ceremonies, street festivals like Féasta Sráide, and St. Patrick's Day celebrations, Santa Dash
- Family picnic days, Interactive workshops such as Irish Harp Day and Family Storytelling events with children's writers such as Máirc Zephf



## Cad a dhéanann muid? Pobal na Gaeilge

(What do we provide? Local Community)

- **Promotion of Irish in the community:**
  - GAA Forum & Fondúireacht Sheosaimh Mhic Dhoncha
  - Established Lá na Gaeilge at Meadh Thír Eoghain with Coalisland/Clonoe Comhaltas
  - ILDO has strong working ties with Council Irish Language Officers
  - Gradaim Gnó - Irish in the business community





## Srianta ar ár gcuid Solathair? (Challenges to overcome?)

### Deficiencies/Inefficiencies in Current Service Provision:

- Lack of Permanent Facility
- Restricted Class Availability & Inadequate ICT and internet access
- Venue Limitations for Events
- Youth Club Challenges
- Examination Preparation Constraints
- Accessibility Issues with the office for the Language Development Officer
- Despite these challenges, Cairde Uí Néill remains proud of its achievements in service provision, community uptake, program visibility, and outreach to users of all ages

## **Cad chuige 'Gael Ionad Uí Néill'?** (Why do we need the Irish Language Community Hub?)

### **Impact of no new centre!**

- Risk of Programmes Ceasing due to closer of current facilities on Gaelscoil Uí Néill once new school opens in Gortgonis
- Youth Club Constraints: Lack of a central facility will leave youth provision unfulfilled despite high demand.
- Adult Language Class Challenges
- Accessibility Concerns : Current office facilities for the Language Development Officer are inaccessible, hindering community access to support services; new facilities at the proposed site would alleviate these concerns and improve community access.

### **How the centre helps the community!**

- Addressing Deprivation in location featured in the top 10 deprivation areas' of NI
- Health and Environmental Activities
- Support Services: vital support for parents and young children, addressing isolation issues, especially among single-parent families
- Boosting Confidence: Irish language engagement boosts self-esteem and confidence, with the Láirionad serving as a hub to combat deprivation in the community.
- Positive Impact of New Gaelscoil: The proximity of the new Gaelscoil to the Láirionad site will further contribute to reducing deprivation figures in the area.
- Combating Loneliness & Mental Health: range of activities on offer will combat depression, raise self-esteem, and foster friendships, expanding participation.
- Affordable Childcare: Naiscoil Bheag and Iarscoil provide low-cost childcare for low-income families in the area, further addressing socio-economic challenges.
- Forms part of the Councils strategy

## **Gael-Ionad Uí Néill - ár dTochaí!?** (Irish Language Community Hub – Our Future?)

- Very important for achieving Lónra Language Planning status for this part of Mid Ulster.
- Central base to integrate and grow the Irish language community – one of the most concentrated areas for Irish speakers in the north according to the last census yet no central base to call 'Baile.'
- It will house all of our activities: Development Office; Prenursery; Afterschool; Café; Youth Club; Drop-in centre; Classes; Talks; Conversation Circle; Singing Group, Walking Group al...
- Re-generation of a derelict building and adds to Council's current work to reinvigorate Coalisland Canal area.



## Tacaíocht ó Chomhairle Ceantair Lár Uladh? (How can Mid Ulster Council help?)

- Cairde Uí Néill have successfully secured Letter of Offer for £198k to purchase building & grounds from Dept of Communities under Indigenous Languages Capital Fund.
- Cairde Uí Néill have successfully secured matched funding for £150k from Ciste Infheistíochta na Gaeilge to help with purchase and initial basic renovation of building and grounds.
- Additional matched funding available from Ciste Infheistíochta na Gaeilge of £50k dependent on Cairde Uí Néill securing a further £50k. A Letter of Offer from council for £50k automatically secures Cairde Uí Néill the matched funding from Ciste - without this – the project is in danger of not happening!
- This is a key project in terms of Irish Language and Community Development both for Cairde Uí Néill and for the councils own language strategy.



## An dtig libh cuidiú? (Can you help?)

### Projected Project Costs

- £198,000 purchase of facility
  - £202,000 projected costs of renovation
- 
- £400,000 total project value

**CURRENT SHORTFALL OF  
£100,000 IN SECURED FUNDING  
BUT £100,000 MATCHED  
FUNDING WAITING TO BE  
CLAIMED**

### Current Funding Secured

- £150,000 DCAL
  - £150,000 matched Ciste funding
  - **£50,000 Comhairle Ceantair Lár Uladh?**
  - **£50,000 matched Ciste funding**
- 
- £400,000 total project value

**£400,000 REGENERATION PROJECT  
WILL BE SECURED WITH 50K  
SUPPORT FROM COUNCIL**









<b>Report on</b>	Conferences, Seminars & Training
<b>Date of Meeting</b>	25 February 2024
<b>Reporting Officer</b>	Joseph McGuckin, Head of Strategic Services & Engagement
<b>Contact Officer</b>	Eileen Forde, Committee & Member Services Manager

<b>Is this report restricted for confidential business?</b>	Yes	
If 'Yes', confirm below the exempt information category relied upon	No	x

<b>1.0</b>	<b>Purpose of Report</b>
1.1	Provide an update on seminars and conferences received. To seek approval for (i) elected member attendance and the payment of registration/ attendance fees and associated costs, as incurred and, (ii) council officer approvals.
<b>2.0</b>	<b>Background</b>
2.1	Costs associated will be set against 2023-2024 member Conference, Seminar and Training allocations.
<b>3.0</b>	<b>Main Report</b>
3.1	<b>Approval for Consideration of Attendance by Elected Members</b> There are occasions when it is beneficial to the council for Officers to attend conferences and seminars. Members are asked to consider engaging in training opportunities as outlined in Appendix A.
3.2	<b>Officer Approvals</b> There are occasions when it is beneficial to the council for Officers to attend conferences and seminars. Approval for attendance as detailed in Appendix B to this report is sought.
<b>4.0</b>	<b>Other Considerations</b>
4.1	<b>Financial, Human Resources &amp; Risk Implications</b> Financial: Costs to be set against Members 2023/2024 conference/seminar/training allocation. Any costs incurred above annual allocation to be incurred by Member

	Human: not applicable
	Risk Management: not applicable
<b>4.2</b>	<b>Screening &amp; Impact Assessments</b>
	Equality & Good Relations Implications: not applicable
	Rural Needs Implications: not applicable
<b>5.0</b>	<b>Recommendation(s)</b>
5.1	Approval for attendance at the conferences, seminars and training by members and council officers as required.
<b>6.0</b>	<b>Documents Attached &amp; References</b>
	Appendix A Member Conferences, Seminars & Training Appendix B Staff Conferences, Seminars & Training

**Member Training**

<b>Provider/Course</b>	<b>Date &amp; Time</b>	<b>Location</b>	<b>Costs</b>	<b>Attendee Requests</b>
NI Housing Conference	20 March 2024 8.30am – 15.30pm	Europa Hotel Belfast	£245+VAT = £294  + travel and subsistence	

**Member Training**

<b>Provider/Course</b>	<b>Date &amp; Time</b>	<b>Location</b>	<b>Costs</b>	<b>Attendee Requests</b>
NI Environment Forum Conference	18 <sup>th</sup> April 24	Belfast	cost £195 + vat	Mark McAdoo



<b>Report on</b>	Consultations notified to Mid Ulster District Council
<b>Date of Meeting</b>	22 February 2024
<b>Reporting Officer</b>	Joe McGuckin, Head of Strategic Services & Engagement
<b>Contact Officer</b>	Ann McAleer, Policy Engagement and Equality Officer

<b>Is this report restricted for confidential business?</b>	Yes	
If 'Yes', confirm below the exempt information category relied upon	No	x

<b>1.0</b>	<b>Purpose of Report</b>
1.1	To update members on the consultations notified to Mid Ulster District Council and to provide details of submitted consultations.
<b>2.0</b>	<b>Background</b>
2.1	Council is a consultee for many government departments, statutory agencies and other bodies, and as such receives consultation documentation inviting commentary on a wide range of issues that may be pertinent to council services and/or the District.
<b>3.0</b>	<b>Main Report</b>
3.1	Documentation relating to the aforementioned consultations can be accessed via the links provided in the table provided in Appendix A.
3.2	Appendix B contains a consultation response submitted to the Financial Conduct Authority-Access to Cash Consultation. The Council was not formally notified of this consultation. In order to meet the submission deadline, the CE provided a response to highlight the concerns in relation to rural areas being excluded from personal banking. Further details can be found at <a href="https://www.fca.org.uk/publications/consultation-papers/cp23-29-access-cash">https://www.fca.org.uk/publications/consultation-papers/cp23-29-access-cash</a> .
3.3.	Appendix C contains a consultation response submitted to a research project carried out by NIHE: Investigating future provision for victims of violence and those at risk/under threat of violence including victims of domestic abuse within the Northern Ireland Housing Selection Scheme. This response was approved at February's P&R Committee via delegated authority.
<b>4.0</b>	<b>Other Considerations</b>
<b>4.1</b>	<b>Financial, Human Resources &amp; Risk Implications</b>
	Financial: N/A

	Human: N/A
	Risk Management: N/A
<b>4.2</b>	<b>Screening &amp; Impact Assessments</b>
	Equality & Good Relations Implications: None anticipated
	Rural Needs Implications: In relation to the Access to Cash Consultation, the Financial Conduct Authority does not sit within DAERA's remit, therefore a RNIA is not required in relation to this particular consultation.
<b>5.0</b>	<b>Recommendation(s)</b>
5.1	Members review and note consultations notified to and submitted by Mid Ulster District Council.
<b>6.0</b>	<b>Documents Attached &amp; References</b> Appendix A: Details of Current Consultations Appendix B: Submitted Consultation Response: Access to Cash Appendix C: Submitted Research Response NIHE Housing Selection Scheme



## Appendix A: Details of Current Consultations

Organisation	Consultation Title	Issue	Closing Date	Response Currently Being Developed
Department for Infrastructure	<b>Call for Evidence on A Future Focused Review of the Strategic Planning Policy Statement (SPPS) on the issue of Climate Change</b>	Dfi has published a Call for Evidence in relation to a potential focused review of the SPPS on the issue of Climate Change. Beyond the ongoing work to finalise the review of regional strategic planning policy for renewable and low carbon energy, it is important to consider whether the current policy framework provided for by the SPPS in relation to Climate Change remains appropriate and fit for purpose.	28 March 2024	No
	<b>Link to Consultation</b>	<a href="https://www.infrastructure-ni.gov.uk/consultations/call-evidence-future-focused-review-SPPS-climate-change">https://www.infrastructure-ni.gov.uk/consultations/call-evidence-future-focused-review-SPPS-climate-change</a>		
	<b>Delegated Authority</b> required to be granted to a Committee if Council agrees that a response should be made (where an extension is not given)?	Yes- Delegated Authority is required for March Planning Committee to be able to provide approval for any draft submission.		





7 February 2024

Retail Banking

Financial Conduct Authority

12 Endeavour Square

London

E20 1JN

[cp23-29@fca.org.uk](mailto:cp23-29@fca.org.uk)

*To Whom It May Concern;*

### **Mid Ulster District Council Response to Consultation Paper – Access to Cash**

Mid Ulster District Council wishes to avail of the opportunity to respond to the current Consultation Paper – Access to Cash.

The Mid Ulster 'Local Government District' (abbreviated as LGD) has a land mass comprising of 1,826km<sup>2</sup>. Our geographic position plays a significant part in our success, located in the heart of Northern Ireland whilst also sharing a 16km<sup>2</sup> stretch of border with the Republic of Ireland (see map on Appendix 1). The district has four larger towns each with population levels greater than 5,000 people. More than two-thirds of our district is classified as rural, comprising many dispersed small rural villages and settlements with populations levels much less than 5,000 people.

The district is home to some 150,293 residents and has become an increasingly popular place to live and work, demonstrated by a 12% growth in population above the NI average over the last number of years. Forecasts indicate the district will continue to grow at more than twice the pace of the NI population growth levels between 2020-2032, which in turn presents significant opportunities for future economic growth, most notably through an increasing supply of labour.

Furthermore, the Mid Ulster LGD is **the most entrepreneurial district in Northern Ireland**. We are also the **largest business base in Northern Ireland, outside of Belfast LGD**. Mid Ulster's main business sectors are concentrated in advanced manufacturing and engineering, construction, agri-food/agri-tech and retail. The innovative and collaborative nature of these businesses means our region is already a leader in competitive global markets, boasting a world-class 'High Growth Cluster'



that manufactures over 40% of the world's mobile crushing and screening equipment.

Our dynamic business base plays host to a rich ecosystem of businesses that have made the **Mid Ulster district the 'economic engine room' of the Northern Ireland economy.**

Within the current "Community Request Scheme" a three stage process exists to initiate an assessment where a community can be considered for the establishment of a Community Banking Hub. The current criteria for stage one in this process will initially assess against the population size within a 1 mile radius of the retail centre (the expected threshold for a banking hub is around 4,000 population and over 40 local retailers that are likely to accept cash) of the village/town of bank closures.

Under the current proposals, I disagree with the Stage One criteria, as I believe it will not meet the needs of rural residents or businesses. Outlined below are some of the barriers faced by communities and businesses at Stage One;

- The Mid Ulster district is predominantly a rural economy, with two-thirds of our population living in rurally dispersed villages and settlements with population sizes ranging between 500-4,999 people.
- Limited provision/access to public transport creates further barriers for rural communities who dwell in rural areas outside our district's four 'urban' towns.
- Lack of access to adequate telecommunication services (eg, broadband/mobile phone coverage) in many rural parts of our district.
- With an aging rural population, many of our elderly community have limited digital skills to avail of online banking services, and consequently require access to cash to transact their every day business.
- A number of businesses choose to operate 'cash only' transactions, and therefore the need and access to cash is greater for those businesses and the communities for which they serve.

Based on the aforementioned barriers, I believe consideration should be given to reviewing and reassessing the criteria imposed at Stage One, to ensure equality of opportunity and inclusiveness (eg, Section 75 Equality legislation and Rural Proofing) for communities located in Northern Ireland.

An example of where our District has experienced a significant downward spiral in banking services is our Clogher Valley Ward which comprises of 3 main villages (each with populations less than 5,000 people). These villages are within an 8 mile radius and the lack of banking services has had a major detrimental impact upon local residents and businesses as they have lost their face to face personal and business banking services. The area is home to many indigenous businesses and has a large rurally dispersed farming community. Presently, the communities located



in the Clogher Valley have access to a minimum of one ATM per settlement (with free cash withdrawal). In order for them to complete face to face banking services for personal or business use, they have to travel up to 45 minutes to avail of this service which is wholly unacceptable.

As the leader of the Local Authority for the area, I would request that the criteria for Stage One is reviewed to provide equality and inclusiveness for rurally dispersed communities. As the criteria stands at present, it excludes rurally based communities like the one described above to be able to have a Community Banking Hub which would provide much needed face to face personal and business banking services.

**I would like to request that your consideration be given to selecting the Clogher Valley Ward in Mid Ulster District as a pilot project to demonstrate how a Community Banking Hub would work in this rural context, which your criteria currently excludes it from.**

I trust you will take into consideration the need for review and reform the process before it is finalised and improve the model to better fit community and business needs in urban and rural settings.

I trust this information is helpful and I look forward to hearing from you in relation to our proposal to establish a Community Banking Hub in the Clogher Valley region in Mid Ulster. I'd be delighted to meet with your team to discuss this opportunity further.

Yours sincerely

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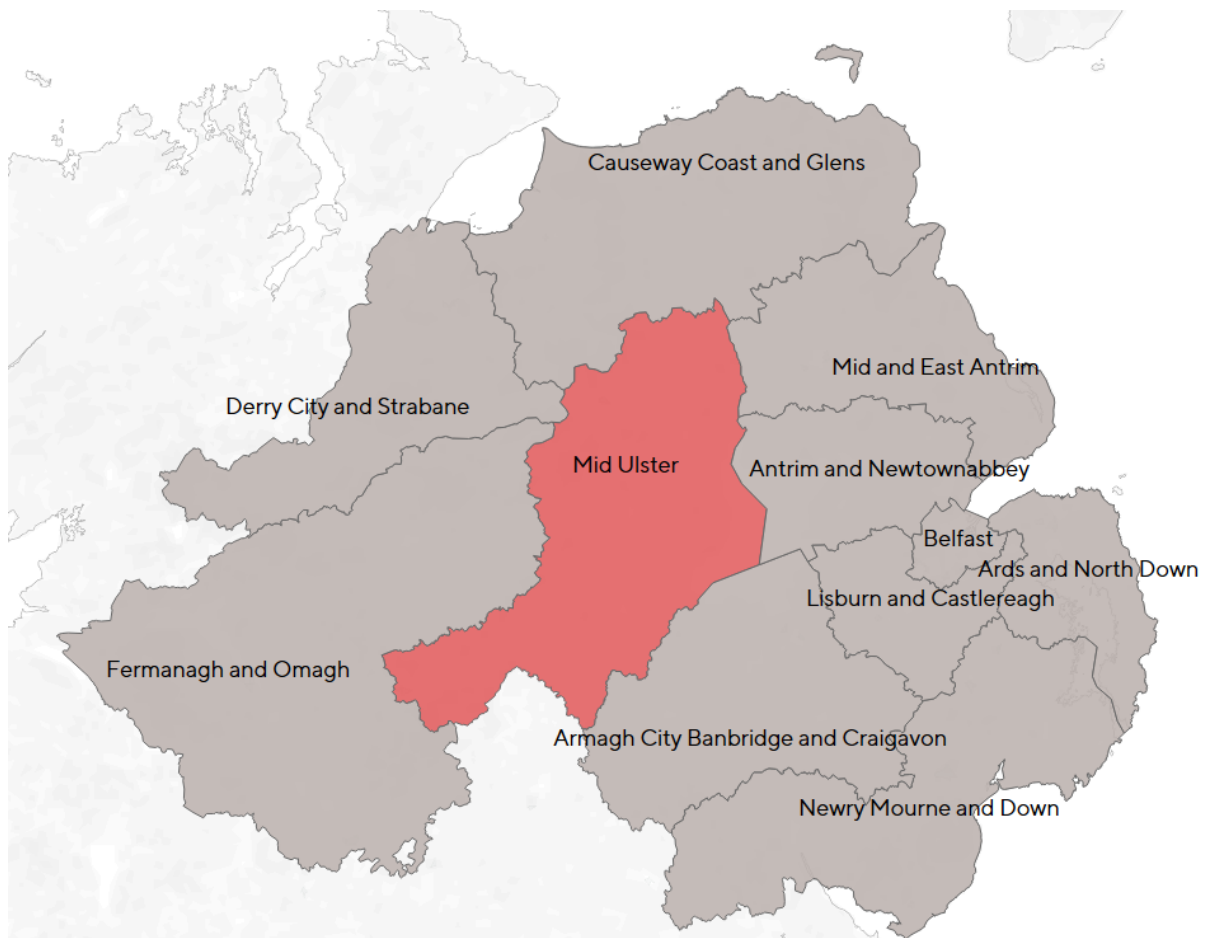
Adrian McCreesh

Chief Executive



## Appendix 1 –

### Map Depicting Mid Ulster District Council area within the Northern Ireland Context



9 February 2024



Fiona Boyle Associates

Email: [fboyleassociates@btinternet.com](mailto:fboyleassociates@btinternet.com)

Ref: Investigating future provision for victims of violence and those at risk/under threat of violence including victims of domestic abuse within the Northern Ireland Housing Selection Scheme.

To whom it may concern:

Mid Ulster District Council welcomes the opportunity to provide its views and opinions in relation to the development of research examining future provision for victims of violence and those at risk/under threat of violence including victims of domestic abuse within the Northern Ireland Housing Selection Scheme.

Overall, the Council feel that the proposal to remove the intimidation points from the housing selection scheme was wrong and they should be maintained to protect those who are genuinely at risk from intimidation. The Council agree that the selection criteria should include people at risk from domestic abuse. There is a need to protect those facing serious and immediate threat to themselves and their family and there should be robust verification of intimidation points by the police to ensure they are allocated appropriately to those at genuine risk and to prevent others on the housing list (including those with homeless points) being unfairly disadvantaged.

The Council would also have concerns regarding the way in which this research is being conducted, and the failure to publicise it widely via victims support groups etc. Furthermore, Mid Ulster District Council area is vastly rural with a lack of available social housing. As such the Council would recommend examining the contrast between urban and rural considerations when searching for housing solutions in victims of violence and those at risk/under threat of violence including victims of domestic abuse. Solutions employed in urban areas may not work in rural areas and that alternatives should be considered.

In addition, the Council believes that current levels of domestic and sexual abuse in Northern Ireland are completely unacceptable and hopes that this research will examine the impact on victims of domestic abuse who cannot leave abusive situations because of the current flaws within the Northern Ireland Housing Selection Scheme. In the Council's latest conversations with our local Women's Aid Manager, she highlighted that there has been a significant increase in the duration of stay in their refuge by women and children of domestic violence, related to difficulties in accessing more permanent housing. They currently have 6 women and families on the waiting list for Cookstown refuge and 44 pending for Floating Support. Therefore, in relation to the implementation of the current and any updated scheme, the Council would advocate that NIHE Housing Officers work and communicate closely with local Women's Aid organisations to ascertain the level of threat to these families when assessing their points.



The Council would also encourage a significant increase in social housing provision. This could alleviate some of the current issues within the Northern Ireland Housing Selection Scheme and also offer victims of violence additional options and choice in relation to relocation issues. The Council has previously written to the Permanent Secretary of DfC and provided responses on the issue within the Housing Supply Strategy in order to raise the continuing issue of the lack of social housing provision within the District.

The Council is aware that Safe Lives commissioned a report in 2018 that found that approximately one third of homeless women stated that domestic abuse contributed to their homelessness. Therefore, it's clear that there's need to ensure adequate provision of emergency in refuge accommodation as well as adequate access to safe housing in the Mid Ulster area. No survivors of domestic or abuse should be prevented from leaving their abuser due to the fears of homelessness. It seems that often, only this assurance of suitable alternative housing accommodation for survivors and their families can help them to break the cycle of abuse.

The Council is also aware that the Crime Prevention Officer regularly provides citizens with locks, bolts, and other types of home safety equipment. However, the Council is worried is disappointed that very Handyman Scheme who would usually be available to fit these pieces for vulnerable households will cease on 31st March 2024 because of a lack of funding. The struggle to ensure that the scheme is future proofed has so far been unsuccessful leading to a fear that the incredible work that

this scheme provide via the Agewell Partnership will no longer be in place to increase the safety of vulnerable people in their homes.

In conclusion, the Council believe that intimidations points shouldn't be removed from the scheme and that they should be retained and indeed broadened to include those at risk from domestic abuse. There is a need to protect individuals experiencing domestic violence in order to allow them to protect themselves and their families. There is also a need for robust verification of intimidation points to ensure that these points are allocated appropriately to those a genuinely at risk and to prevent others on the housing list including those with homeless points from being unfairly disadvantaged.

Finally, the Council would recommend that additional consultation is carried out when the findings of this research paper is known.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Dominic Molloy', written in a cursive style.

Cllr Dominic Molloy

Chairperson, Mid Ulster District Council

<b>Report on</b>	Correspondence to Council
<b>Date of Meeting</b>	Thursday 22 February 2024
<b>Reporting Officer</b>	J McGuckin Head of Strategic Services & Engagement
<b>Contact Officer</b>	E Forde, Committee & Member Services Manager

<b>Is this report restricted for confidential business?</b>  If 'Yes', confirm below the exempt information category relied upon	Yes	
	No	x

<b>1.0</b>	<b>Purpose of Report</b>
1.1	Provide an update on correspondence received for attention of Council.
<b>2.0</b>	<b>Background</b>
2.1	This paper refers to correspondence to be brought to the attention of Council. Items are referred to in 3.0 below.
<b>3.0</b>	<b>Main Report</b>
3.1	<p><b>Correspondence from Department of Health</b></p> <p>The Chair received a letter from Department of Health in response to Council's letter regarding the treatment of cystic fibrosis. Refer to Appendix A</p>
3.2	<p><b>Correspondence from Department for Infrastructure</b></p> <p>Council has received an update from Department for Infrastructure in response to letter regarding footpaths in the district. A date is currently being progressed to facilitate a meeting. Refer to Appendix B</p>
3.3	<p><b>Correspondence from Fermanagh &amp; Omagh District Council</b></p> <p>The Chief Executive has received a copy letter from Fermanagh and Omagh District Council regarding the proposed name change of the A5-N2 Cross Border Committee. Refer to Appendix C</p>
3.4	<p><b>Correspondence from N I Water</b></p> <p>The Chair has received a response from NI Water following Council's letter regarding NI Water contacts for Members. Refer to Appendix D</p>
3.5	<p><b>Correspondence from The Honourable The Irish Society</b></p>

	Council has received a letter from The Honourable The Irish Society in relation to a Review of the Local Advisory Committee. Refer to Appendix E
<b>4.0</b>	<b>Other Considerations</b>
4.1	<b>Financial, Human Resources &amp; Risk Implications</b>
	Financial: not applicable
	Human: not applicable
	Risk Management: not applicable
4.2	<b>Screening &amp; Impact Assessments</b>
	Equality & Good Relations Implications: not applicable
	Rural Needs Implications: not applicable
<b>5.0</b>	<b>Recommendation(s)</b>
5.1	That Council notes and considers, as necessary, the correspondence received.
<b>6.0</b>	<b>Documents Attached &amp; References</b>
	Appendix A: Department of Health Appendix B: Department for Infrastructure Appendix C: Fermanagh and Omagh District Council Appendix D: N I Water Appendix E: The Honourable The Irish Society



Cllr Dominic Molloy  
[Eileen.Forde@midulstercouncil.org](mailto:Eileen.Forde@midulstercouncil.org)

Castle Buildings  
Stormont Estate  
BELFAST, BT4 3SQ  
Tel: 028 9052 2556  
Email: [private.office@health-ni.gov.uk](mailto:private.office@health-ni.gov.uk)

Your Ref:

Our Ref: COR-1003-2024

Date: 6<sup>th</sup> February 2024

Dear *Dominic*,

Thank you for your letter of 31 January 2024 to the Department's Permanent Secretary, Mr Peter May regarding the treatment of Cystic Fibrosis. I have now been appointed to the position of Health Minister and as such will respond on behalf of the Department.

My Department has a formal link with the National Institute for Health and Care Excellence (NICE) under which NICE Technology Appraisals are reviewed locally for their legal and policy applicability in Northern Ireland. Whilst there is a process to check the guidance for legal and policy applicability here, there is no reassessment of the clinical or cost evidence used by NICE in coming to its decisions and forming its advice. Where found to be applicable, they are endorsed for implementation within Health and Social Care (HSC) organisations. This link has ensured that Northern Ireland has access to up-to-date, independent, professional, evidence-based guidance on the value of health care interventions.

As you are aware, NICE recently issued draft guidance on the use of Kaftrio, Orkambi and Symkevi for consultation: [Consultation | Ivacaftor-tezacaftor-elexacaftor, tezacaftor-ivacaftor and lumacaftor-ivacaftor for treating cystic fibrosis \[ID3834\] | Guidance | NICE](#). The current draft guidance does not recommend that Kaftrio, Orkambi and Symkevi are routinely available on the NHS because the most likely cost-effectiveness estimates from current economic modelling are substantially above the range that NICE considers an acceptable use of NHS resources.

Consultation on the draft guidance closed on Friday 24<sup>th</sup> November 2023. The draft guidance is not NICE's final guidance, and I can advise that comments received during this consultation were considered by NICE at a further appraisal meeting on 14<sup>th</sup> December 2023. Furthermore, NICE has now determined with key stakeholders that additional steps and further discussions are required, however, NICE will continue to liaise with key stakeholders to determine the most appropriate next steps before the next draft guidance is issued. A date for final guidance is yet to be determined, which the Institute has also stated will incorporate the recent licence extension to Kaftrio to include paediatric patients aged 2 to less than 6 years.

When final guidance is issued by NICE, my Department will consider it under the usual process for NICE technology appraisals as per the guidance set out in circular HSC (SQSD) 12/22 which is available at:

<https://www.health-ni.gov.uk/sites/default/files/publications/health/doh-hsc-sqsd-12-22.pdf>

The NICE draft guidance is clear that the recommendations are not intended to impact on patients already receiving treatment with Kaftrio, Orkambi or Symkevi, who will be able to continue treatment until they and their HSC clinician consider it appropriate to stop.

I trust you will find this response helpful.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Robin Swann', is positioned above the printed name.

**Robin Swann MLA**  
**Minister of Health**

## RE: Correspondence from Mid Ulster District Council



Bratton, Neil <Neil.Bratton@infrastructure-ni.gov.uk>

To  Eileen Forde

Cc  DfI Western Manager PS



Reply



Reply All

 You forwarded this message on 12/02/2024 17:02.



C007.24 DfI Footpath Maintenance.pdf  
146 KB



Reply all with PDFs shared as A...

Eileen,

As this is an operational matter it has been passed to myself for a direct reply.

Myself and the local Section Engineers are content to meet with interested parties to discuss general footpath maintenance in the Mid Ulster area. If possible can you suggest a few dates and we will try to accommodate. Content to meet in the Council offices if that make things easier.

Regards

**Neil Bratton**

Network Maintenance | Western Division | Co. Hall, Omagh

Tel: 028 867 68138 | Email: [neil.bratton@infrastructure-ni.gov.uk](mailto:neil.bratton@infrastructure-ni.gov.uk)

Your Ref:

Our Ref:

Date: 10 January 2024

Email: john.news@fermanaghomagh.com



Fermanagh & Omagh  
District Council  
Comhairle Ceantair  
Fhear Manach agus na hÓmaí

Alison McCullagh  
Chief Executive

Mr Robert Burns  
Chief Executive  
Monaghan County Council  
County Offices  
The Glen  
Monaghan  
H18 YT50

Dear Mr Burns

**A5-N2 Cross Border Committee proposed name change.**

Fermanagh and Omagh District Council discussed the proposed name change of the A5-N2 Cross Border Committee at the Environmental Services Committee meeting held on 6 December 2023. Members resolved that Council does not support the proposed name change of A5-N2 Cross Border Committee to the 'N2 A5 Ten-T North West Transport Corridor Committee'. This position was ratified at the full Council meeting on 09 January 2024. In particular Members are concerned that the proposed name change would remove the focus from the A5, at a time when the Department for Infrastructure is considering the Planning Appeals Commission (PAC) Public Inquiry report.

Members have asked that I write to the Chair of the Committee and to the other Councils involved with the Committee to advise you of Fermanagh and Omagh District Council's position and concerns in that regard.

Yours sincerely

John News  
**Director of Environment and Place**

Copied To:

Councillor Brian McKenna, Chair, A5-N2 Cross Border Committee  
Mr John Kelpie, Chief Executive, Derry City and Strabane District Council  
Mr John G McLaughlin, Chief Executive, Donegal County Council  
Mr Adrian McCreesh, Chief Executive, Mid Ulster District Council



**northern Ireland Water**

PO Box 1026  
Belfast  
BT1 9DJ  
[www.niwater.com](http://www.niwater.com)

Tel: 0345 7440088



Eileen.Forde@midulstercouncil.org

13 February 2024

Dear Dominic

**Re: Your ref: C013.24 – NI Water contact details**

Thank you for your letter, received 2 February 2024 from Eileen Forde, further to previous correspondence reference matters above.

I am sorry to read of any difficulty or frustration Councillors have experienced in using NI Water's dedicated phone line for Elected Representatives (0345 3006461) to query local matters and request updates, particularly following local work and surface reinstatement carried out by our contractors.

I asked our team to check on this, and whether there were any calls received from Mid-Ulster Councillors which were outstanding an update at the time of writing. NI Water records show that we had a total of two cases in which an update was due, which had not quite been provided at the time of receipt of your letter, a call from Cllr Clement Cuthbertson regarding a defective pipework investigation, and a call from Cllr Dan Kerr who I believe had raised this perceived issue previously at a Council meeting, regarding a manhole replacement job. Calls were returned to both Councillors last Monday 5 February. While the cases in question may have been open for a slightly longer period of time than usual, I do not believe there was any issue with a lack of updates being provided. NI Water is rigorous in the management of our Service Level Agreement (SLA) for written and telephone queries from members of the public, and Elected Representatives, and is committed to providing regular updates and holding responses on all queries received that take a little longer to address and close.

Our Departmental Liaison Officer John Kelly phoned Eileen last week to discuss this. I understand that the request from Cllr Kerr is to have a single point-of-contact in NI Water for 'Estates Management', which we would take to mean for queries relating to contractor work on site and subsequent surface reinstatement. Eileen mentioned in the call that DfI - Roads Service were able to provide such a single point-of-contact. NI Water differs from Roads Service, both in that we are a multi-disciplinary organisation, and don't have separate regional offices for North, West, South, East. We don't have a single member of staff who would oversee contractor surface reinstatements for a given region, rather any queries about a given reinstatement would, once received, be raised with the relevant local Field Manager for either Water or Wastewater, and for the specific department within each of those sections, i.e. we have a separate Field Manager for planned works, emergency / reactive works, works involving leakage or repair & maintenance on our own existing networks, or works involving providing new pipework services for new developments.

Because we cover so many areas, i.e. because we are multi-disciplinary, a given surface reinstatement job could fall under one of a variety of Field Managers. Rather than provide public contact details for every Field Manager and relying on members of the public or Elected Representatives to know to which specialisation a job they have a query about relates; we simply ask that members of the public direct all queries to Waterline on 0345 7440088 and that Elected Representatives make use of the aforementioned dedicated phone line for them.

For written queries, the e-mail address is the same for everyone: [waterline@niwater.com](mailto:waterline@niwater.com).

Our dedicated Customer Service teams then pick up any and all queries received, direct them to the appropriate Field Manager, and relay a prompt update to the person who has contacted us as soon as possible, and within a regulated SLA.

Any Councillors who feel that their queries have not been addressed in a timely manner should of course not hesitate to chase us up, however, as advised above, at the time of writing there were, according to our records, only two contacts from Mid Ulster Council awaiting an update, and these were ultimately provided.

In short, the Elected Representatives phone line on 0345 3006461, or Waterline e-mail inbox at [waterline@niwater.com](mailto:waterline@niwater.com), remain the point-of-contact at NI Water for any and all queries from local Councillors.

I hope you find this response helpful.

Yours sincerely



**Sara Venning**  
Chief Executive



**THE HONOURABLE THE IRISH SOCIETY**  
54 CASTLEROE ROAD,  
COLERAINE,  
COUNTY LONDONDERRY  
NORTHERN IRELAND BT51 3RL

Telephone: 028 7034 4796  
e-mail: [duanef@irishsociety.co.uk](mailto:duanef@irishsociety.co.uk)  
website: [www.honourableirishsociety.org.uk](http://www.honourableirishsociety.org.uk)

Secretary & Chief Executive **Duane Farrell**

**09 February 2024 (via e-mail)**

**Ref; Review of Local Advisory Committee**

Dear Chair

I am writing to you further to the recent commitment by the Court of The Honourable The Irish Society to undertake a review of the Local Advisory Committee (LAC). As you will be aware, the responsibility of the Local Advisory Committee is:

*“To make recommendations to the Society’s Court on projects or causes where assistance from the Society in any form would be appropriate and desirable, within the delegated budget.”*

The committee, which is now in its 50<sup>th</sup> year, is an essential element of the Society’s governance structure and supports the delivery of the Society’s charitable purposes through the committee’s local knowledge both of organisations and of community priorities.

I would welcome feedback from Mid Ulster District Council and your nominated members of the Local Advisory Committee in relation to

- the spread of membership across elected members  
and
- the operation of the committee and support of the Society to the committee in undertaking its work

with a view to informing this review and shaping recommendations which will be considered by the Court in April 2024. With this timeline in mind, can I request that feedback is returned to me by 29 February 2024.

Beyond the general areas indicated above, we have been purposefully broad in our approach to this review in the first instance to allow relevant feedback from your organisation and your nominated delegates to the LAC.

Please feel free to contact me if you wish to discuss this request. Otherwise, I look forward to hearing from you.

At the upcoming Local Advisory Committee Meeting on 04 March 2024, we are providing a warm lunch after the meeting and inviting members to stay and discuss, in person, thoughts on this review with trustees of the Society.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Duane Farrell', with a long horizontal stroke extending to the right.

**Duane Farrell**

cc Adrian McCreesh, Chief Executive, Mid Ulster District Council