



28 September 2023

Dear Councillor

You are invited to attend a meeting of the Council to be held in The Chamber, Dungannon and by virtual means Council Offices, Circular Road, Dungannon, BT71 6DT on Thursday, 28 September 2023 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

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
5. Deputation: Department for Infrastructure Annual Report 2023

Matters for Decision

6. Council minutes of meeting held on 27 July 2023 5 - 28
7. Planning Committee minutes of meeting held on 1 August 2023 29 - 60
8. Planning Committee minutes of meeting held on 5 September 2023 61 - 84
9. Policy & Resources Committee minutes of meeting held on 7 September 2023 85 - 104

10.	Environment Committee minutes of meeting held on 12 September 2023	105 - 116
11.	Development Committee minutes of meeting held on 14 September 2023	117 - 132
12.	Conference Report September 2023	133 - 146

Matters for Information

13	Consultations	147 - 152
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Notice of Motions

- 15 Councillors Quinn, D McPeake and Kerr
 Over recent months we have seen a concerning rise in Blue/Green Algae in Lough Neagh which has affected local wildlife as well as local businesses right across the Lough. All this combined with serious access issues and a perceived lack of action from Governmental bodies, this council calls for;
 An Interdepartmental Group to be set up by DAERA and Department of Infrastructure in conjunction with local Councils to deal with the overall management of Lough Neagh.
 Council to reaffirm its position that Lough Neagh should be in public ownership as it is of such strategic importance to the whole of Ireland. Ramsar Secretariat and Environmental Protection Agency be invited to present to Council on the deterioration of Lough Neagh.
 Council to write to the secretary of state calling on him to ensure the Loughs Environmental and Economic sustainability is given the due care and consideration needed to protect for future generations.
- 16 Councillor Groogan to move
 That this council: notes with concern that the ongoing cost of living crisis and British Government imposed cuts is exacerbating poverty and financial pain on people in the community; believes that targeting objective need is fundamental to tackling poverty and inequality; further believes what is required is a living wage economy and a fair social security system that

targets resources where they are most needed and ensures people have a minimum essential standard of living; recognises that the current social security system, particularly Universal Credit, is not fit for purpose, not properly funded and is failing people; further recognises that those who rely on Universal Credit are incredibly vulnerable to changing circumstances often beyond their control, such as loss of employment, illness, increased caring responsibilities; and family breakdown; Endorses the Guarantee our Essentials campaign which seeks to ensure everyone can afford the essentials in hard times; And calls on the British Government to introduce an Essentials Guarantee which would ensure, at a minimum, Universal Credit/legacy benefits, would protect people from going without essentials.

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

17. Council Confidential minutes of meeting held on 27 July 2023
18. Planning Committee confidential minutes of meeting held on 1 August 2023
19. Planning Committee confidential minutes of meeting held on 5 September 2023
20. Policy & Resources Committee confidential minutes of meeting held on 7 September 2023
21. Environment Committee confidential minutes of meeting held on 12 September 2023
22. Development Committee confidential minutes of meeting held on 14 September 2023
23. Audit Committee Confidential minutes of meeting held on 19 September 2023
24. Document for Sealing: Purchase of Cornmill Carpark (PHI001-0076)
25. Document for Sealing: Lease at Moy - MUDC and Sean Cavanagh & Co Ltd (ENV001-0045)
26. Document for Sealing: Connecting Pomeroy WP5 Pomeroy Forest Trail Development (Ref MUDC/TS/C/2018/007)
27. Document for Sealing: Manor Park Moneymore Appointment of Contractor - (Economic Operator) (Ref MUDC/TS/C/2022/004)

28. Document for Sealing: Appointment of an Integrated Consultancy Team for MUSA Capital Project (Ref MUDC/TS/C/2021/008)

Matters for Information

Minutes of Meeting of Mid Ulster District Council held on Thursday 27 July 2023 in the Council Offices, Circular Road, Dungannon and by virtual means

Chair Councillor Molloy

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

Officers in Attendance Mr McCreesh, Chief Executive
Ms Campbell, Strategic Director of Environment (SD: Env)
Ms Canavan, Strategic Director of Organisational Development Strategy and Performance (SD: ODSP)
Mr Moffett, Assistant Director of Organisational Development, Strategy & Performance (AD: ODSP)
Mr Tohill, Strategic Director of Corporate Service and Finance (SD: CS&F)
Mr McKeown ICT
Mrs Forde, Committee and Member Services Manager

* Denotes Members present in remote attendance

** Denotes Officers 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.

C134/23 Notice of Recording

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

C135/23 Apologies

Councillors McElvogue, Monteith and Wilson

Ms Keys, Marketing and Communications Manager
Mr McGuckin, Head of Strategic Services and Engagement
Mr Black, Strategic Director of Communities and Place
(SD: C&P)

C136/23 Declarations of Interest

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

Councillor Kerr declared an interest in Coalisland Community Food Bank

Councillor Gildernew declared an interest in Leisure Centre: Staff

C137/23 Chair's Business

The Chair, Councillor Molloy said, "I'm delighted to say that since our last meeting both myself and the deputy Chair have again had a busy schedule of engagements across the District, it is clear that whilst engaging across so many different groups to date there is a trend on feedback which is the exemplary manner in which our staff work with our community and the deep appreciation for the work they do.

We had the relaunch of the Don't Mess Mid Ulster campaign at the start July. You will all know only too well the scourge that litter and dog fouling is on our community. There can be no excuse for owners not picking up after their dogs and I look forward to supporting this and other initiatives as the year progresses.

The official unveiling of Ceoldán, The Stargazer at Davagh is a great addition to the Sperrin's trail, Thomas Dambo and his team have created 3 amazing sculptures across the Sperrin's which undoubtedly will be an attraction for many years.

Strategic Events supported by this Council are a feature of summer and Mid Ulster was host to the Irish National Cycling championships at which the local Rafferty brothers Adam and Darren took national time trial titles at U23 and Men's categories respectively, I congratulate the Island Wheelers Club for their work in organising and running the event.

I had the honour of representing Council at the Clogher Valley Show this week, this is a great showcase of local produce and services from livestock to machinery to food and tourism. Mid Ulster Council were well represented and although weather conditions weren't ideal there was a fantastic turnout.

Other Strategic Events happening in the next few weeks include Mid Ulster Pride, All Ireland Road Bowls, Brantry Fleadh and Lap the Lough. And of course, Lumarina will make a welcome return on Saturday 19th August at Ballyronan Marina.

In GAA, youth led the way as Derry minor footballers and the Tyrone U16 Camogie teams attained All Ireland glory recently. I would like to send best wishes to the organisers of a very special event next weekend in memory of the late Damian Casey, the all-day celebration on Saturday 5th promises to be a great occasion.

There have been more sombre duties that I have taken part in including the unveiling of a red plaque to remember Sub Officer Tommy John Black of Cookstown Fire station who tragically lost his life tackling a fire in 1984. It was a poignant reminder of the dangers faced by the Fire & Rescue and other emergency services.

I would also like to express my sympathies on the passing of a valued member of staff, Stephen Lynn. Stephen worked within Environmental Services Department and will be greatly missed by his friends and colleagues. Our deepest sympathy to Stephens brothers, Derek, Ivan & Victor and extended family circle. That concludes my remarks this evening, thank you.”

The Chair, Councillor Molloy advised that he had received requests regarding Chair’s business and invited Members to speak on same.

Councillor Mallaghan reinforced the call for an urgent meeting of the civic recognition working group. In response the Chief Executive stated that a date had been scheduled and Members would be notified.

Councillor Kerr sought an update on the rationalisation of recycling services working group.

In response the Chief Executive advised that officers had requested the names for the working groups and upon receipt of these meetings would be scheduled.

The Chief Executive drew attention to Letter of Support: The Old RIC Barracks, Market Square, Dungannon and advised that Council had been requested to provide a letter of support to STEP for an application they are making to the Community Ownership Fund. The application is to support the purchase of the Old Barrack Building in Market Square and Members would recall that a letter of support to an application had previously been issued regarding an application to the Levelling Up Fund.

Proposed by Chair, Councillor Molloy
Seconded by Councillor McNamee and

Resolved That Council provide a letter of support to STEP with regard to funding application regarding The Old RIC Barracks, Market Square, Dungannon

Councillor D McPeake extended congratulations to the Derry Minor team who had defeated Antrim, Donegal and Monaghan to win the Ulster and had now defeated Galway, Dublin and Monaghan to win their second consecutive All Ireland although due to covid this had been over four seasons. He further highlighted that many of the players and management team came from the Mid Ulster District including the goalkeeper who was the son of Anne Marie Campbell, SD: Environment. Councillor D McPeake concluded by reiterating congratulations to the team.

Councillor Corry concurred and proposed that the Derry minor team’s winning of the All-Ireland be included in the civic recognition agreed in June.

Resolved That the Derry Minor GAA Football Team All-Ireland win be included in the Civic Recognition approved in June 2023

Councillor McLernon spoke of the ongoing issue of respite provision for Adults with Complex needs within in the Southern Trust Area, particularly the provision of services locally in Coalisland & Dungannon. She advised that she had been speaking to parents & carers, of adults who have complex needs, who have raised the issue of provision of services not returning to full capacity since Covid. Councillor McLernon highlighted that some services within Woodlawn House, have returned to full capacity, but in relation to the pods, which were put there for adults who have severe complex needs and who are not suitable for respite provision within the main building. These pods are operating on a part time basis, with the use of the pods only being available from Thursday – Monday, whereas prior to Covid they were available 7 days a week. She said that this may be due to staffing and available resource, but others would concur that respite provision is not a luxury but a necessity and a life line for many families & carers.

Councillor McLernon proposed that Council on behalf of those impacted write to the Southern Trust, to ascertain the issues around the service of Respite Provision for Adults with complex needs not returning to a 7-day week as it was before Covid; and to see what, if anything Council can do to help resolve the issues and return this much needed service to full capacity.

Councillor Burton stated that every councillor receives complaints about the lack of carers and spoke of people not being released from hospital as a care package could not be put in place. She said that rural areas are more impacted by these issues and asked that it is added to the proposal.

Councillor McLernon said whilst she appreciated what was being said her proposal related specifically to the severe lack of adult respite care for people with specific needs, again stressing that it is required seven days per week.

Councillor Burton stressed that she was not speaking against the proposal but highlighting the lack of carers, the rate in which communities are losing carers and reflected that some companies used by the Southern Trust do not work as far out as Clogher Valley. Councillor Burton proposed that whatever Council could do they should as bed blocking was a real issue.

The Chair, Councillor Molloy spoke of a recent engagement at Oakridge SEC and how families were under increasing pressures. He stated that Officers could incorporate the issue.

- Resolved** That Council write to the Southern Health Trust to
- (i) ascertain the issues around the service of Respite Provision for Adults with complex needs, not returning to a 7-day week as it was before Covid, and to see what Council can do to help resolve this, and return the much-needed service to full capacity; and
 - (ii) establish what the hindrances are and what is being done to overcome delays when care packages are being put in place for people ready to be discharged from hospital.

The Chair, Councillor Molloy called on Councillor Quinn.

Councillor Quinn said that all would be aware of the All-Ireland rail issue and the findings of the most recent report. He said it went beyond what he expected in the exciting prospect of Dungannon being connected to the rail network and how this would transform transport services. Councillor Quinn stated that at this stage it was a report and to implement would be an eye watering amount of money, but Council should support it and the matter should become key policy for Council.

The Chair, Councillor Molloy concurred and said when you look at travel throughout Europe yet here, Cookstown bypass had been in the planning stages for 18 years, Dungannon needed a bypass also but as society moves into green transport rail networks must be reinstated. He said a large part of Derry and Donegal was absent from the report, but it was a great start.

Councillor Burton said she was delighted to hear the announcement and Council had in the past heard presentations on the matter. She said Council needed to push for the reintroduction of rail but should also argue for the reinstatement of rail network in the Clogher Valley. Councillor Buton concluded that whilst the Clogher Valley was built into future infrastructure needs many today is sitting without a bus passing their road.

Matters for Decision

C138/23 Receive and Consider Minutes of matters transacted in “Open Business” at the Council Meeting held on 22 June 2023

Councillor D McPeake drew attention to a typographical error in that his name had been placed instead of Cllr McLean’s at the proposal for the King’s Birthday Honours List.

Councillor Cuthbertson drew attention to discussion last month regarding Coolhill cemetery and placed on record his thanks to the Chief Executive, Senior Management Team and Officers in getting contracted works back on track at the cemetery.

Proposed by Councillor D McPeake
Seconded by Councillor Kerr and

Resolved That the Minutes of the Council held on Thursday 22 June 2023 (C109/23 – C123/23 and C133/23) transacted in Open Business having been printed and circulated were considered and adopted.

C139/23 Receive and Consider Minutes of matters transacted in “Open Business” at the Environment Committee Meeting held on 3 July 2023

Councillor Forde proposed the Environment Committee minutes with the report for E145/23 being adopted as per the officers’ recommendation.

Councillor Robinson seconded the proposal.

Proposed by Councillor Forde
Seconded by Councillor Robinson and

Resolved That the Minutes of the Environment Committee held on Monday 3 July (E140/23 – E154/23 and E164/23) transacted in Open Business, subject to the foregoing, having been printed and circulated were considered and adopted.

C140/23 Receive and Consider Minutes of matters transacted in “Open Business” at the Planning Committee Meeting held on 4 July 2023

Councillor S McPeake sought clarity regarding P071/23 regarding the commencement times of planning committees. He said that following discussion a survey had taken place and it was his understanding the start time for planning committee would be changed until 5pm. He said the August meeting was circulated for 7pm and asked when the time change would take place.

In response the Chief Executive referred to 27.6 of Standing Orders and said each committee had the authority to determine its own meeting time and the revised time could be implemented going forward.

Councillor McLean said that the DUP group had discussed the issue and whilst are sympathetic to timing issues they felt it was the thin end of the wedge and would spread across all committees. He said those councillors with jobs would not find it easy to attend for 5pm and people with speaking rights need to be considered. Councillor McLean said whilst the DUP in principle, are not against an earlier starting time last month's meeting had been sleek thus if there is a will there is a way. He further highlighted at the amalgamation of councils he had sought clarity on the councillor role which was clearly defined as part-time. He said whilst it was appreciated some councils have gone down the route of earlier committees Mid Ulster is a rural community and called for a sensible consideration to be given to the matter. Councillor McLean said he appreciated if a meeting run on late people had to travel home but emphasised the need for consensus.

Councillor Cuthbertson concurred with Councillor McLean and said it was his understanding a committee can change its timings if there is agreement by the whole committee. He also proposed that Planning Committee is rotated between Dungannon and Magherafelt.

The Chief Executive stated that standing orders are not explicit that the committee has to agree unanimous in its decision. With regard to the location of the committee the Chief Executive stated it was within the gift of the planning committee to make the decision.

Councillor S McPeake proposed to review the proposal at the planning committee and with regard the 5pm commencement time he said it could be reviewed in 3-4 months times. With reference to earlier comments regarding the swiftness of the

meeting he said the agenda had been light the previous month, but he was open to view.

The Chair Councillor Molloy stated that the commencement of the revised starting time implementation and location of meetings be referred to the planning committee for review.

Proposed by Councillor Mallaghan
Seconded by Councillor S McPeake and

Resolved That the Minutes of the Planning Committee held on Tuesday 4 July 2023 (P065/23 – P071/23 and P078/23) transacted in Open Business having been printed and circulated, subject to the foregoing were considered and adopted.

C141/23 Receive and Consider Minutes of matters transacted in “Open Business” at the Development Committee Meeting held on 5 July 2023

Proposed by Councillor Clarke
Seconded by Councillor Quinn and

Resolved That the Minutes of the Development Committee held on Wednesday 5 July 2023 (D101/23 – D118/23 and D121/23) transacted in Open Business having been printed and circulated were considered and adopted.

C142/23 Receive and Consider Minutes of matters transacted in “Open Business” at the Policy & Resources Committee Meeting held on 6 July 2023

Proposed by Councillor Corry
Seconded by Councillor N McAleer and

Resolved That the Minutes of the Policy & Resources Committee held on Tuesday 6 July 2023 (PR111/23 – PR119/23 and PR133/23) transacted in Open Business having been printed and circulated were considered and adopted.

Matters for Information

C143/23 Consultations

Members noted consultations received for attention of Council.

Councillor McLernon drew attention to the Draft response to the Department of Education 23/24 Budget EQIA and welcomed the points made. She also highlighted that cuts from the Education Department are being made despite the rising cost and

increasing demands for services, that there is an estimated funding gap of approximately £382 million and that the £66.4 million cut to the education budget will hit the most disadvantaged and vulnerable children the hardest which would have disastrous consequences for children and young people, will exacerbate poverty, deprivation and mental health in the longer term. She said that funding for each pupil has not risen in line with inflation, despite a dramatic increase in operational costs and that many schools are currently in deficit.

Councillor McLernon said that cuts to the budget could result in school closures, or increased class size together with loss of vital services for children. She stressed that it appeared that the Department of Education has not considered section 28E of the '98 Act, to address poverty and disadvantage, and to target resources on the basis of objective need.

Councillor Mallaghan drew attention to the Procurement Bill Reform advising the closing date was 11.45 pm 28 July 2023. Councillor Mallaghan proposed a response would be submitted and sought delegated authority for the SD: Corporate Services and Finance to submit a response.

The AD: Organisational Development, Strategy and Performance said that Council could submit an email to say that a response would be forwarded in due course.

Proposed by Councillor Mallaghan
Seconded by Councillor McLernon and

Resolved That Council respond to: Procurement Bill Reform: Closing Date: 11.45 pm 28 July 2023

Councillor Corry drew attention to: The Executive Office (TEO) Public Consultation on the Provision of Free Period Products: Closing Date: 18 September 2023 and proposed that Council make a response.

Councillor Corry stated that Council should emphasise that the Education Authority cutbacks would impact groupings listed under Section 75 which highlights public authorities should have due regard for.

Councillor Groogan seconded the proposal stating that period poverty exacerbates poor mental health and wellbeing.

Proposed by Councillor Corry
Seconded by Councillor Groogan and

Resolved That Council respond to: The Executive Office (TEO) Public Consultation on the Provision of Free Period Products: Closing Date: 18 September 2023.

The AD: ODSP sought approval for the draft responses to

- (i) DoH Budget EQIA Response; and
- (ii) DE Budget EQIA Response (noting Councillor McLernon's comments)

Proposed by Councillor Bell
Seconded by Councillor McLernon and

Resolved That Council approve the draft responses:

- (i) DoH Budget EQIA Response; and
- (ii) (ii) DE Budget EQIA Response (noting Cllr McLernon's comments)

C144/23 Correspondence

Members noted update on correspondence received for attention of Council.

Councillor McLernon drew attention to 3.3 correspondence from Education Authority and stated that like many in the council chamber she had been in touch with families and children, who are extremely anxious of the uncertainty around children not yet being placed. She acknowledged that the number has reduced significantly since it had been previously discussed in the chamber but stressed that there are still a substantive number waiting to be placed in September 2023 and it was almost August. She also acknowledged that the 37% increase in the need for SEN places from last year and said that it clearly shows there is a growing appreciation and understanding of the different educational needs. However, Councillor McLernon stressed that the demand for SEN places has been increasing dramatically over the last 25 years. Councillor McLernon noted that in the response the Education Authority had requested that the Council take account of their financial budgetary pressures. She concluded emphasising that the demand for SEN has risen, but any advances in provision has failed to keep up!

The Chair, Councillor Molloy highlighted that it was the responsibility of the Education Authority to provide sufficient places.

Councillor McLean said this was an ongoing issue and he had been inundated with people ringing as their children had not received places. He said that the Education Authority did not grasp the reality of the situation and the stress and anxiety these delays caused. He said the DUP had raised it as a party and was emphatic that the Education Authority should not be palming it off.

The Chair, Councillor Molloy said that anxiety levels are raised in relation to the issue.

Councillor S McPeake drew attention to 3.1 NILGA Corporate Plan and proposed that Council make a response. He said he was a supporter of NILGA but their remit was to be the lobbying voice for local government but the current situation with the NI Assembly deflated their Corporate Plan.

The Chair, Councillor Molloy concurred with the proposal.

Proposed by Councillor S McPeake

Seconded by Chair, Councillor Molloy and

Resolved That delegated authority be granted to the Chief Executive to respond to NILGA Draft Corporate Plan 2023-2027.

C145/23 Notice of Motion

Councillor Johnston moved the motion –

That this Council notes with deep concern the Northern Ireland Troubles (Legacy and Reconciliation) Bill currently making its way through the UK Parliament despite opposition from all NI political parties, the Irish government, the US administration, the Council of Europe, the UN High Commissioner for Human Rights, UN Special Rapporteurs, national and international human rights institutions and more importantly our victims and the organisations that represent them. The latest intervention from the House of Lords highlights that even the upper house can see what this government appears not to, that this bill is an affront to democracy with its obstruction of due process which is a fundamental human right in any western liberal democracy.

Furthermore, this Council

1. Condemns this legislation and asks for it to be withdrawn
2. Writes a letter to the British government, the Chair of the Conservative Party and the NIO formally requesting that this bill is withdrawn

Commenting on the motion Councillor Johnston stated, “It is rare that we as political parties agree in opposing a course of action being taken by a British government, in this case the Troubles Bill, or the Legacy and Reconciliation Bill as they disingenuously call it, as it is not about reconciliation, it isn’t even just about protecting British soldiers, it goes much deeper, into a dark and murky world where liberal democracies should not be found. This is about damage limitation, preventing further exposure of the complicity of the British government and its agents in the deaths of innocent people.

It is also rare that all parties agree on a course of action in opposition to British government decisions, but we have agreed, this is evidenced by all the parties being signatories to the Declaration of Opposition, having opposed it both in the Assembly and in Westminster. Of course, it would be naive not to realise that under the thin veneer of unity there lies much difference of opinion. Despite the DUP publicly opposing this bill, they have stood shoulder to shoulder with those soldiers on trial for murder and have joined with those politicians trying to halt those prosecutions. The DUP also voted against Baroness Nuala O’Loan’s amendment in the House of Lords that would have protected ongoing inquests. Inquests like that of Sean Brown, a man of great integrity, a decent man who gave of himself to his community selflessly, who was abducted, shot and dumped by hate fuelled paramilitaries. How on earth could an elected representative support the obstruction of justice for this family? It is beyond belief. Despite Sinn Fein publicly opposing this bill, they have

accepted amnesties for former paramilitaries as evidenced by the infamous 'on the run letters' and their tacit agreement in 2005 to an amnesty that was being proposed by the then Labour government for both paramilitaries and security forces until the SDLP stopped it. I would urge them to remain steadfast in their opposition to this bill. We must not be selective in who we would grant amnesties to. It is not for us to make those decisions, the groups that should be prioritised, who's feelings should be considered are our victims and survivors. Is it not enough that they had this 'life' thrust upon them, sacrificed by others for either 'Ireland's freedom' or the 'defence of Ulster', would we add insult to injury by a partisan approach further polarising our communities and intensifying the pain our victims and survivors endure on a daily basis. We should get behind all of them not stand with a select few.

It is a failure by all of our political parties not to have taken the opportunities presented by the agreements made in 2014, 2015 and 2020. We, ultimately failed V&S by failing to implement what we as parties had agreed. We dragged our feet when we should have been seizing the opportunity to do right once and for all. We created the void that allowed this shameless Tory government to formulate legislation that ultimately is about shutting down the full exposure of successive British governments role in deaths of many of our people, Protestant, Catholic and other. This should unite us and shame on those who would deviate from this unified opposition. We should take heart from the fact that we are joined by so many others in opposition to this, what in actual fact is an amnesty for perpetrators, it is they who will sleep easier in the beds at the expense of our already tortured victims.

This may well be repealed, who knows, but what is clear, irreparable damage will be done in the interim. Come 24th May 24, when this legislation will come into force, crucial evidence will be destroyed, and irreversible immunities will be granted. For those seeking truth and justice all hope will be gone, for many, hope was all they had.

My heart goes out to those who for too long have borne the heaviest of prices for the peace we all enjoy today. It is not enough that their loved one's lives were sacrificed once. How many times must they be delivered death blows. As a council we must have on record our unified opposition to the Troubles Bill. In anticipation of all parties support I would ask that this be a recorded vote."

Councillor McFlynn seconded the vote and thanked Councillor Johnston for bringing it forward.

Councillor N McLernon proposed the undernoted amendment to the motion, copies of which were distributed and appeared on screen.

Insert after *the 2nd* clause in the motion, to add a 3rd clause as follows:
"...3. If the bill is passed, that this Council should write to the Irish Government to express their strong contention that they should take an inter-state case against the legislation, and the British Government which has created it, to the European Court.

Councillor S McPeake seconded the amendment ..

Councillor McLernon speaking on the amendment stated, “Chair, this Legacy Bill is back in the House of Lords on Tuesday the 5th of September, but the Lords have no power to add further amendments, and therefore, it could receive Royal Assent sometime in September. As outlined in the motion the bill is opposed by the Irish Government and all parties on the island of Ireland. The British Labour party, Domestic and International Human Rights organisations and the vast majority of families and all key advocacy groups are opposed to this Bill. This Bill is the realisation of a manifesto pledge by the Tory party in the 2019 Westminster election, aimed at securing an amnesty for British Armed Forces for breaches of the human rights of Irish citizens during the conflict, including torture and murder. It will not promote reconciliation, but indeed will have the opposite effect, and will undermine any attempt to introduce a genuine reconciliation process on the island of Ireland.

There remain two key areas of opposition to the Bill: (i) The granting of amnesties & immunity for most conflict related offences for those who are willing to `cooperate` with the Commission; and (ii) the obstruction of due legal process for families, in terms of the closure of legacy inquests, independent investigations, by the 1st of May next year, and the closure last May, of any civil litigation in relation to conflict related matters.

Chair, some of the families have been waiting for over 50 years for an inquest and they now see that possibility being denied to them by this legislation. In addition, by the 1st of May, next year all Police Ombudsman and PSNI investigations will be stopped and handed over to this new Commission, which can merely conduct desk top reviews! Once the Bill becomes law, and families are denied access to due legal process, as outlined above, legal challenges will be initiated by the families to this undemocratic obstruction. It could end up in the Courts for a number of years until legal certainty is delivered. Chair, there is an alternative to this legislation – the Stormont House Agreement. Sinn Féin along with the main local parties and both the Irish and British Govts. developed the Stormont House Agreement on legacy matters in December 2014. But the British government never implemented this Agreement, despite producing a draft Bill agreed by all concerned, which was then endorsed by the general public in an NIO consultation in 2017, with over 17,000 responses.

Chair, if my amendment is agreed here tonight, it will add further weight to the motion, and will call for a direct intervention by the Irish Govt. on behalf of affected citizens to challenge the British Government, who by enacting this legislation, are in breach of their international obligations, as signatories to the European Convention of Human Rights {ECHR}.”

Councillor S McPeake said, “If enacted the outworking’s of this British Governments Legacy Bill will result in it being a complete travesty of justice and will deny the victims and survivors of ever obtaining the truth and the justice which they deserve on what happened their loved ones during the conflict here. To put it simply this Bill needs to be scrapped and we must all do what we can to have this Bill reversed.

My party along with all the other political parties on the island, various human rights organisations, the UN, the EU and the US administrations **and** importantly victims and survivors, their families and victims support groups **all** strongly reject the contents of the bill.

To date the British Government has steadfastly refused to listen to the crescendo of calls for the abolition of the Bill in its current format and reverse their actions. If the Legacy Bill is implemented it will prevent the victims of the conflict from ever accessing the criminal courts, inquests, human rights compliant legislations and potential civil proceedings. It will fly in the face of any semblance of justice being delivered and will prevent genuine attempts to promote reconciliation. It will shut the door on any chance of proper due process being provided for victims and survivors of the conflict. I am sure there are many examples we could all give where victims' families from right across all communities are still awaiting to hear the truth of what happened their loved ones during the conflict and for justice to be served. However, if this Bill is enacted it will close the door on their chances of them ever obtaining the answers which they desire.

One example which I wish to highlight of a family who has been seeking answers and justice for decades is the family of Sean Brown of Bellaghy. Sean Brown was murdered on May 12th 1997. A dedicated family and community man Sean was Chairman of Wolfe Tones GAC in Bellaghy and was abducted and callously murdered after locking the gates of the GAA Club following a club meeting. No one was ever brought to justice for this heinous crime of the murder of an innocent man. Sean's widow Bridie and family have been to court on over 30 occasions seeking proper investigation and a basic inquest into Sean's murder. The PSNI admitted that there were inadequacies into the investigation and issued a public apology to the family. Yet despite these unacceptable delays, PSNI claims of inadequate resources to carry out the inquest, strong criticism on the handling of the Sean Brown case from the judiciary and a new date to have the inquest concluded there still remains genuine concerns as to whether the inquest will be completed in time before May 2024. Should the Bill be enacted by its commencement date on May 2024, this will see the termination of this inquest process and the process will revert to the ICRIR Commission and will provide for a wholly inadequate and watered down 'Review' rather than an 'Article 2' investigation which is currently required under current human rights legislation.

Folks it is for the Brown and for many, many other families where we could all give further examples of families being denied justice that this obnoxious and unjust bill needs to be rejected. One must ask as to whose interests is the adoption of this bill best served. My belief is that it is an attempt by the British state to put a cloak over all conflict related matters and to draw a line under actions of the past. This cannot and should not be allowed to happen. We owe it to all victims and survivors to do all within our power to challenge the legality of such attempts to introduce the Legacy Bill. As such I support this motion with the addition of this amendment."

The Chair, Councillor Molloy asked if Councillor Johnston accepted the amendment.

Councillor Johnston stated that she accepted the amendment.

Councillor Brown stated that the DUP does not support this Bill and believes it is closing the door to justice for so many who lost loved ones during the Troubles. He said it is traumatising some of those who have to accept that no further effort will be made to apprehend those responsible for heinous crimes and would effectively introduce amnesties for the terrible acts of violence and terrorism here. Councillor

Brown said that the Northern Ireland Troubles (Legacy and Reconciliation) Bill proposes an effective offer of immunity from prosecution for perpetrators of crimes during the Troubles who co-operate with a truth-recovery body. He said that they had listened to the various victims and survivor groups right across Northern Ireland who are unanimously opposed to this toxic legislation. He emphasised that the DUP Party leader Sir Jeffrey Donaldson MP had recently described it as a gateway to further attempts to rewrite and airbrush the past. He said that the right to justice must remain a core human right, should continue to be at the centre of British justice and this core principle must be protected at all costs. He said that most of those killed were honourable and law-abiding citizens who were killed in protection of law and order in the province.

Councillor Brown said that British justice used to be held up to be a world leader and an exemplar across the globe but that this shoddy, disgraceful bill is a shameful and dark mark that cannot be allowed to become law. He said that the DUP believed the bill and the fact that Government has proposed this legislation to be an insult to the memory of those killed. He called on every member of the House of Lords to do the right thing and vote to remove all those offensive and hurtful proposals from the bill.

Councillor Kerr fully supported the motion and the amendment and spoke of the many innocent victims killed by British armed forces and secret agents. He said the government needed to reflect on their own history and highlighted that many East Tyrone people had suffered at their hands. He also highlighted that the British applaud when Nazi's face war crimes so they too should be held accountable of the crimes they committed following their occupation of Ireland.

Councillor Graham said, "I would suggest that you should write first of all to His Majesty's Government or the United Kingdom Government as there is no official body as the British Government. There are a number of problems relating to legacy and dealing with the past. Republicans are attempting to re-write history in a bid to promote the narrative that they fought some kind of 'just war' instead of a sectarian campaign of terrorism. This must be resisted by way of an information campaign that challenges this narrative. Unfortunately, this Bill will assist them with that process. The fact is that the security forces sought to prevent Northern Ireland sliding into a full-scale civil war. By contrast, terrorist groups, both loyalist and republican, set out on a daily basis to take lives and do violence to others. That explains why terrorists were responsible for 90% of deaths during the Troubles, the Police and the Army 10%. That is a statistic that is all too often overlooked.

We believe that nobody is above the law but the current legacy process is clearly imbalanced. Terrorist have benefitted from early release from prison, hundreds of letters of comfort and the award of Royal Pardons. By contrast, former soldiers, many of them in their 70's face the prospect of being hauled back to Northern Ireland and prosecuted over incidents from 40 years ago for which they have already faced investigation and been cleared. Republicans demand truth, justice and inquiries galore when it comes to the actions of the Police and Army but are strangely reticent when it comes to the litany of deliberate crimes of the IRA. One of the major problems we face is that some people are seeking to apply current standards to the standards of the time. The early 1970's in particular saw police stretched to breaking point by the volume of attacks. There were 472 troubles related deaths in 1972

alone and 1,100 died in the next four years. Context is crucial. The sheer volume of terror attacks, shootings, bombings and civil unrest in the early 1970's in particular, meant the Police were having to investigate an unprecedented case load, whilst at the same time desperately trying to prevent further loss of life. This must be borne in mind when anyone tried to judge the actions of the past by the standards of today and from the comfort and relative safety of 2018. It was no easy task for the Police to conduct door to door follow up enquiries in areas where they themselves faced the very real threat of death. This must be borne in mind by anyone judging past investigations by modern standards. Given their track record, we have little confidence that any process is capable of getting the truth from republicans. Gerry Adams denies he was ever in the IRA. Martin McGuinness said he left in 1975 yet at the Saville Inquiry he said he had taken an oath to the IRA which meant he could not tell the truth about his previous activities. Listening to Sinn Féin representatives, the average bystander could be forgiven for wondering if anyone was ever in the IRA and who exactly was responsible for the litany of atrocities committed by that organization. It is obvious that Sinn Féin are attempting to re-write the history books and give the impression that the IRA did nothing wrong. The Legacy and Reconciliation Bill means that this will lead to impunity for those responsible for severe, merciless and brutal crimes committed during the Troubles and effectively provides perpetrators a 'get out of jail free' card. It provides no closure, no justice and nothing but pain to the victims and their families. We must condemn this legislation, as it benefits no-one in Northern Ireland or our community here in Mid Ulster. The United Kingdom is a Nation built on fairness and justice, no one is above the law and justice must be served."

Councillor McLean stated that motions such as this one do not benefit the Council, he said different sides had been expressed each with their own slant as to who did what. He said that the comment had been made that underneath the unity everyone had their own position, and this had been made clear during the debate.

Councillor Varsani as a point of information said that her understanding was that as per David Cameron the British Prime Minister in 2014 there was never an amnesty nor guaranteed immunity for anyone, that was said in relation to the 'on the run' letters. Councillor Varsani said that was in response to an incorrect statement made earlier in the meeting.

Councillor McLean sought clarity as to what Members would be voting on as the DUP would not support the amendment.

The Chair, Councillor Molloy said the vote was for substantive motion as undernoted:

That this Council notes with deep concern the Northern Ireland Troubles (Legacy and Reconciliation) Bill currently making its way through the UK Parliament despite opposition from all NI political parties, the Irish government, the US administration, the Council of Europe, the UN High Commissioner for Human Rights, UN Special Rapporteurs, national and international human rights institutions and more importantly our victims and the organisations that represent them. The latest intervention from the House of Lords highlights that even the upper house can see what this government appears not to, that this bill is an affront to democracy with its

obstruction of due process which is a fundamental human right in any western liberal democracy.

Furthermore, this Council

1. Condemns this legislation and asks for it to be withdrawn
2. Writes a letter to the British government, the Chair of the Conservative Party and the NIO formally requesting that this bill is withdrawn; and
3. If the bill is passed, that this Council should write to the Irish Government to express their strong contention that they should take an inter-state case against the legislation, and the British Government which has created it, to the European Court.

The Chair, Councillor Molloy called for the vote, which as requested was recorded:

For: Councillors Bell, Carney, Clarke, Corry, Gildernew, Groogan, Johnston, Kelly, Kerr, Martin, Mallaghan, McAleer, McConnell, McFlynn, McGuigan, McLernon, McNamee, D McPeake, S McPeake, McQuade, Milne, Molloy, Quinn, Totten and Varsani. (25)

Against: Councillors Black, Brown, J Buchanan, W Buchanan, J Burton, Cahoon, Cuthbertson, Forde, Graham, McLean and Robinson (11)

The Chair, Councillor Molloy declared the motion carried.

Councillor Johnston concluded that Members could agree that although there are differences of opinion all oppose the bill.

C146/23 Notice of Motion

Councillor Kerr moved the motion –

I call on the Council to help facilitate a meeting between the relevant statutory agencies and the Killen Residents Group to help finalise a location for a defibrillator in the locality.

We as a local authority will try and aid the efforts of the Killen Residents Group. The installation of the defibrillator will benefit the community of Killen and surrounding areas.

Councillor Kerr speaking on the motion said that many had been lobbying for a defibrillator in the community and had spoken with the Northern Ireland Housing Executive and the Department for Infrastructure, but it had proved difficult to get all together around the table. He said that his point in the motion is that Council would facilitate a meeting to drive the matter forward and advised that the residents' group had identified possible locations for a defibrillator. He said currently should there be a cardiac arrest help was simply too far away.

Councillor McLean posed the question, did the matter justify a motion? He stated that surely the matter should have been brought to committee and should council follow this route meetings will be inundated with motions. Councillor McLean said in his opinion, such motions to him demonstrates an inability of a member to do their job.

In response, the Chair Councillor Molloy said whilst the motion was on the 'margin' he had accepted it as it was well intended to get an important matter resolved.

Councillor Carney seconded the motion and said she had worked closely with the various groups, and it had been difficult to get all parties engaged. She said a defibrillator was vital, a location had been identified and the matter needed to be progressed as soon as possible.

Councillor Quinn said he was happy to support the motion and stated that it was not a failure of a member to do their job but in fact the failure in fulfilling duties had been that of the statutory agencies who should have given more help. He said the Killien group had raised funding and the request was for Council to facilitate a meeting of all statutory agencies. He said that the nearest defibrillator was some six minutes away and, in such cases the closer the better and the fruition of this project could be the difference between life and death. He concluded that the motion had been accepted and all should support it.

The Chair, Councillor Molloy said he had witnessed a defibrillator being deployed on two occasions and both times had saved lives. He advised Councillor McLean that the matter directly effects people of the district.

Councillor McLean said he was not opposed to the request but that he did not think it needed to be a motion to council. He concluded that he would support the issue.

Councillor Mallaghan concurred and said there had been a time when meetings had been inundated with motions and through agreement a common-sense approach had been adopted. He agreed with the sentiments of Councillor McLean.

The Chair, Councillor Molloy declared the motion carried.

Councillor Kerr said he was disappointed at some of the comments and said there was many motions which called on council to write letters but it could be said Members could write a letter themselves. He also referred to a recent motion on the Coalisland Canal which again could have been a topic for a DEA meeting but at DEA meetings they were told only capital projects were up for discussion. He said there should be regular DEA meetings for all matters. Councillor Kerr concluded that his aim in the motion was to have the weight of Council behind the thrust to bring about a defibrillator in the area and he would continue to do his very best to enhance the community he represents.

C147/23 Notice of Motion

Councillor Varsani speaking on the motion said, “from the outset it’s important to consider what this motion is; simply a motion dealing with serious, exceptional, and flagrant sectarianism and indeed hate crime which occurred across the North, including in Mid Ulster Council Area.

Killymoon: Council property, no extra issues noted.
Mill Park – Irish flag
Kilcronan: Toxic tyres burning for some 2 weeks.
Moneymore: Council Pitch – tipping and tyre marks on football pitch
Monrush: Offensive messaging on posters
Moynashel: Irish flag and poster of An Taoiseach Leo Varadkar
Killymerron: Council property - Irish flag and side pyre of election posters
Eastvale: Irish Flag and effigy of Leas Uachtáran Sinn Féin /First Minister
Designate Michelle O’Neill.

The motion specifically acknowledges the efforts by those in our communities who challenge, oppose, and attempt to modify these serious breaches of acceptable conduct. It is recognised that there can be very different narratives and experiences of the past and indeed cultural identities, expression, and constitutional preferences; however, it is important, if not incumbent on representatives in elected office to be clear when lines have been crossed and I think we can all agree that burning effigies, national flags, and anyone’s posters, certainly crosses a line. I would urge members to focus on the issue at hand and not conflate issues; there may well be other areas of community relations and conduct that would benefit from more discussion and consensus and I would suggest that the Good Relations Group on Council and PCSP may be the place to raise any other areas of concern in this regard.

I would like to propose this motion to Council and urge all members to support it.”

Councillor Varsani moved the motion –

‘That this Council condemns all aspects of hate crimes and sectarianism, including the burning of effigies, national flags and election posters on Eleventh Night bonfires and acknowledges the efforts by some in our communities to oppose such acts of hate crime and sectarianism. We call for legislation to be put in place to regulate illegal bonfires which take place across the north of Ireland. This will go a long way in preventing such acts of offensive behaviour; and further calls on all elected representatives, groupings, and organisations to promote anti-sectarianism, tolerance and inclusion.’

Councillor Carney seconded the motion and said that in the days prior to the eleventh bonfires their office had received calls from residents living in mixed developments who had suffered a backlash of abuse when they asked for flags which had been erected in their areas to be removed. She also stated that no flag should be used to intimidate and mark out territory as it was disrespectful and that in a shared society any celebration of culture should be done respectfully.

Councillor McLean said he had listened carefully to the debate and emphasised that the DUP did not support the burning of any emblem or image on a bonfire and that their focus was on celebrating history and culture. He said that the word respect needs to be looked into and that there had been an acknowledgement of efforts in his own DEA where he had worked tirelessly and whilst sometimes progress was slow it was positive. He said culture should be celebrated with dignity and the introduction of legislation would bring a hardening of positions. Councillor McLean said that Mid-Ulster is actually leading the way in positive bonfire and cultural events, and others are looking towards this area for ideas and council should continue to work on this basis and not seek needless legislation. He said that as Unionists ask for their culture to be respected therefore unionist should also demonstrate respect to others including political opponents no matter how much both may disagree. He stressed that unionist representatives already work on the ground to prevent many instances of behaviour which would be detrimental to their celebrations and the job is to convince others to recognise the need for positive approach, not impose unworkable legislation.

Councillor McLean concluded by asking that all parties recognise the positive work undertaken on the ground to date and commit to building on this, to ensure communities feel their culture is being celebrated and encourage those with positive intentions to lead the way.

Councillor McQuade stated that everyone must respect each other and when posters and effigies are displayed Council must condemn this.

Councillor Kerr said that the eleventh night is always a situation when lawlessness is allowed to reign.

Councillor Graham said that the UUP condemns all aspects of hate crime and sectarianism regardless of whether it is carried out at unionist or nationalist bonfires. She acknowledged the work that is carried out by many to alleviate such actions and said that it is only through dialogue with those who build bonfires that such matters will ever be resolved. Councillor Graham asked if Sinn Féin would condemn the singing and chanting of pro IRA and other terrorist supported songs and asked if they would include this in the motion? Councillor Graham said that the UUP found the second part of the motion which calls for “all elected representatives, groupings and organisation to promote anti sectarianism, tolerance and inclusion” to be ironic as Council’s Good Relations Committee has yet to show any tolerance or inclusion to the unionist minority.

Councillor Cuthbertson said that for a party who continues to glorify murderers the motion is a thinly veiled attack on the unionist community for which Sinn Féin has shown little or no tolerance.

Councillor Black said that the DUP does not condone hate crimes and sectarianism, including the burning of effigies, national flags and election posters.

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

For 25
Against 11

The Chair, Councillor Molloy declared the motion carried.

Councillor Varsani responding to the debate and said that she was pleased there had been consensus and agreement amongst Members. She said she did not want to engage on reckless commentary and concluded by thanking all who had contributed positively to the debate.

C148/23 Notice of Motion

Councillor Quinn introducing the motion said, “In this council some Members have been accused by others of taking an interest in International Politics and that this Bill has nothing to do with Mid-Ulster District Council. I am sure there are arguments to that but the motion before us this evening is about a bill that is a direct assault on this Council and how we choose to conduct our business. On 19 June 2023 the Tory Government introduced the Economic Activity of Public Bodies (Overseas Matters) Bill. This Bill seeks to stop public bodies, such as this Council, from taking into account human rights abuses committed by foreign governments when making decisions, for example on procurement of goods and services and let’s make no mistake, this Bill is a direct response to councils right across Ireland and the UK who have taken the decision to join the BDS campaign as we did in 2018.

Like with any bill there can be different interpretations, but this Bill would preclude public authorities from having regard to any human rights violations of any country when making relevant decisions. It would stop public bodies from taking into account a number of disgusting acts of foreign states from genocide, war crimes, crimes against humanity and racial discrimination etc. For example, a council could not refuse to purchase goods from Russian occupied Ukraine, or from Myanmar, or North Korea or any country on the basis of disapproval of their systemic human rights violations. Had this bill been in effect in the 1980s it would have rendered it unlawful to refuse to source goods from apartheid South Africa; that in itself is a prime example for opposing this bill.

International solidarity is one of the key elements of political/moral struggle across the world. We know that the Civil Rights movement in Northern Ireland would never have succeeded without international support in America and other countries and the Good-Friday Agreement would never have happened without the support of those like Bill Clinton, Nelson Mandela, the EU and other countries right across the world.

Similarly, when Nelson Mandela came to Ireland, he thanked the Irish people for the support they had shown through councils, universities and famously Dunne Stores in their stance against apartheid. This bill would leave these matters entirely at the whims of a British Government. The same British Government that has a history of opposing Nelson Mandela, in fact they deemed the apartheid government an ally, a British government that took us into illegal wars and support countries who have a history of human rights violations. Is that who we really want to trust to make

decisions on who we can buy goods off? Boycotting is a long-practiced form of political protest and just because a government is uncomfortable with that is no reason to remove that right.

The business of a local council should be and should always be at the decision of its members and its voters. Any attempt to prevent that is simply anti-democratic. In 2018 this council took the brave decision to join the BDS Campaign. I am proud of that motion and proud of the members who voted to make it so. We cannot simply lie back and allow this bill to pass silently. The SDLP Leader Colum Eastwood has already stated his opposition, as have some members of the Labour Party and I believe our Council should add their voice to this. I propose that this Council write a letter opposing this bill and as yet again a form of protest, re-affirm its support for BDS campaign.

Councillor Quinn moved the motion -

That this Council notes with concern the Economic Activity of Public Bodies (Overseas Matters) Bill currently being debated in Westminster which seeks to prevent councils like Mid Ulster District Council taking into account human rights abuses committed by foreign governments when making certain decisions, including on procurement of goods and services.

That this Council writes a letter to the Secretary of State and the UK Government of our opposition to this bill. Reaffirms its support for the BDS movement as voted on by members in 2018.

Councillor Martin seconded the motion.

Councillor Kerr supported the motion and said the Bill would set a dangerous precedent as the British Government had backed apartheid and had a track record in supporting rogue states.

Councillor Mallaghan supported the motion and said the issue dated back to 2014 when a special council meeting had been called regarding the situation in the Middle East. He concurred that it was undemocratic to dictate how council should spend its money highlighting that Members were elected to manage and spend rate payers' money effectively. He concluded stating that the actions of the British government during apartheid had been wrong.

Councillor Cahoon said that the DUP has consistently supported this Bill and would continue to do so. She said they would not endorse the writing of any letter to those suggested in the motion and would ask their Westminster MPs to make clear that any such correspondence does not have the endorsement of many elected representatives. She said that many councils have overstepped the mark by boycotting goods from Israel and penalising and focusing attention on the small Jewish community which was shameful of them but also highlights the real reasons for their campaigns. Councillor Cahoon said that local authorities should be working hard to support diversity and good relations, not ridiculing and condemning small and minority communities. She said that the motion highlights the utter hypocrisy of some

of those who are so verbal in highlighting human rights' abuses yet fail to condemn and sometimes actively glorify those who perpetrate atrocities not in some far-off lands, but in the streets within walking distance of the council building and right across this constituency and Northern Ireland.

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

For	25
Against	11

The Chair, Councillor Molloy declared the motion carried.

Councillor Quinn thanked all those who voted for the motion. He said he had listened to the DUP talking about minorities and said that the motion and BDS is not against minorities it is against the policies of the Israeli government who are persecuting and kicking people off their own land. He said the Bill would remove the right for non-violent protest against Israel and other countries who oppress minorities such as the LGBT community.

The Chair, Councillor Molloy thanked all Members for their contribution to the debates.

The live broadcast concluded at 8.40 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 Bell
Seconded by Councillor Clarke and

Resolved That items C149/23 to C156/23 be taken as confidential business.

Matters for Decision

- (i) Audit Committee Confidential minutes of meeting held on 20 June 2023
- (ii) Council Confidential minutes of meeting held on 22 June 2023
- (iii) Environment Confidential minutes of meeting held on 3 July 2023
- (iv) Planning Confidential minutes of meeting held on 4 July 2023
- (v) Development Confidential minutes of meeting held on 5 July 2023
- (vi) Policy & Resources Confidential minutes of meeting held on 6 July 2023
- (vii) Document for Sealing: MSW Growth Deal Programme Director Agreement

Matters for Information

- (i) Use of Delegated Authority by Chief Executive on Matters Delegated

C157/23 Duration of Meeting

The meeting was called for 7.00 pm and ended at 8.50 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 Planning Committee of Mid Ulster District Council held on Tuesday 1 August 2023 in Council Offices, Circular Road, Dungannon and by virtual means

Members Present

Councillor S McPeake, Chair

Councillors Black*, J Buchanan, Carney*, Clarke, Cuthbertson, Graham, Kerr*, Mallaghan, McConnell, McElvogue, McFlynn, D McPeake*, Robinson, Varsani

Officers in Attendance

Dr Boomer, Service Director of Planning (SD: PI)
Ms Donnelly, Council Solicitor
Mr Marrion, Senior Planning Officer (SPO)
Mr McClean, Senior Planning Officer (SPO)**
Ms McCullagh, Senior Planning Officer (SPO)**
Ms McKinless, Senior Planning Officer (SPO)
Mr O'Hagan, Head of ICT
Mrs Grogan, Committee and Member Services Officer

Others in Attendance

LA09/2019/0179/F	Chris Cassidy***
LA09/2019/0179/F	Martin Grainger***
LA09/2022/0314/F	Carol Gourley
LA09/2022/0194/F	Tracey Kelly***
LA09/2022/0314/F	Maeve Conway***
LA09/2022/0624/F	Frankie Mc Grath***
LA09/2022/0624/F	Declan Diamond***
LA09/2022/0624/F	Lisa Shannon***
LA09/2022/1106/F	Carol Gourley
LA09/2022/1419/O	Karson Tong***
LA09/2022/0624/F	Gordon Noble, Dfl***

* 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.

P079/23 Notice of Recording

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

P080/23 Apologies

Councillor Martin

Ms Doyle, Head of Local Planning (HLP)

P081/23 Declarations of Interest

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

P082/23 Chair's Business

Dr Boomer, Service Director of Planning (SD: PI) wished to draw members attention to performance and advised that last year was very difficult due to a large backlog of applications due to Covid and the added difficulty of implementing the new IT system. Even though this was the year that our performance was poorest and not at the level we wished to achieve, it was still around the level where other authorities were hitting which was around 20-21 weeks per application. Clearly there is a huge push at the moment as a result of the Audit Office investigation looking into planning in trying to improve performance and with a lot of things, the best way to do this is to start at home. He said that although these were not the official figures, he was pleased to see that from a ropey start in April, where on average it was taking 19 weeks to determine an application, that figure is now down to an average of 13 weeks in May and June 14.8 weeks, with our target being 15 weeks. He stated that it was getting back to the levels in which we should be at and although we may wish to be the top authority which is prepared to spend extra time addressing concerns on an application, it is good to be in the top 3 or 4 or certainly the top half in relation to processing times.

The SD: PI said that from what he could see, which was more promising than last month, we issued about 50% more applications which were received which meant that the total number is going down. This is tricky at the moment as summer time is when staff and consultees go on holidays, but if we can keep up this that level of performance, he hoped by Christmas that the backlog would be cleared and we would be back to our usual performing ways.

The SD: PI said that it was worth noting that this was not just for local applications and quite good to see this year receiving 3 major applications and got out 7 decisions on the largest ones. In terms of enforcement, we have also been hitting our targets as we had a huge backlog of enforcement cases due to Covid as it was difficult to investigate and go to places, but we are starting to get through twice as many cases, than ones which were being opened. The SD: PI said that he was hopeful that staff will continue to keep this up and anticipated being back fighting fit by the end of this year.

The SD: PI referred to agenda for determination and sought approval to have the following applications withdrawn and deferred from tonight's meeting schedule for an office meeting –

LA09/2023/0025/F – Retention of agricultural shed to store machinery adjacent to 26A Brookmount Road, Ballinderry Bridge, Cookstown for Francis Rocks

LA09/2023/0170/O – Site for new replacement dwelling to the rear of and approx. 30m E of 87 Kinrush Road, Cookstown for Maurice McKenna

Resolved That the planning applications listed above be deferred for office meetings.

The SD: PI referred to Agenda Item 6.3 – LA09/2022/0194/F – 2 Agricultural sheds for machinery and feed storage, including photo voltaic panels on southern facing roofs at approx. 40m SW of 14 Bancran Road, Draperstown for Mr D Hegarty – he advised that an objector had requested a deferral and in the past he does not normally recommend a deferral from the objector but rather that they be given the opportunity to present their views to the Planning Committee as they are the decision makers. The SD: PI said that this would be something he would be recommending this evening.

Matters for Decision

P083/23 Planning Applications for Determination

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

LA09/2022/0528/RM Dwelling & garage at 20m S of No. 2 Kinturk Road, Moortown for Colm Hagan

Members considered previously circulated report on planning application LA09/2022/0528/RM which had a recommendation for approval.

Proposed by Councillor McFlynn
Seconded by Councillor Clarke and

Resolved That planning application LA09/2022/0528/RM be approved subject to conditions as per the officer's report.

LA09/2022/1400/O Housing Development at lands opposite 56 Castlecaulfield Road, Donaghmore for Trustees of Donaghmore Parish

Members considered previously circulated report on planning application LA09/2022/1400/O which had a recommendation for approval.

Proposed by Councillor Varsani
Seconded by Councillor McElvogue and

Resolved That planning application LA09/2022/1400/O be approved subject to conditions as per the officer's report.

LA09/2022/1470/F Compost manufacturing facility unit at 10A Ferry Road, Coalisland for Evergreen Horticulture

Mr Marrion (SPO) presented previously circulated report on planning application LA09/2022/1470/F which had a recommendation for approval.

Proposed by Councillor Carney
Seconded by Councillor Kerr

To accept the recommendation for approval.

Councillor Cuthbertson advised that he had received correspondence from an objector last week regarding this application. The member had replied back to him to make him aware that he could request speaking rights by 12 noon on Friday. The objector came back to say that this was not suitable, the member then advised the objector to send the information directly to the SD: PI as he had a number of objections and enquired if the SD: PI had received the correspondence.

The SD: PI advised that he was not aware of receiving any correspondence relating to this application.

Mr Marrion (SPO) advised that the application was before the committee because there were objections received on it.

The Chair enquired if Mr Marrion (SPO) was content that the objections received to date have been fully considered.

Mr Marrion (SPO) said that nothing had been received recently and nothing new from 22 June 2023.

The SD: PI said it was important to consider what was being said and felt that the member was not breaking any rules by reading out the email.

The member advised that he would email a copy of the letter so the SD: PI could read it.

The SD: PI asked that this matter be deferred to later in the meeting until he had an opportunity to read the email.

The committee returned to the discussion at 9.11 pm.

The SD: PI advised that the key area of dispute was in relation to Roads Service and they have responded by saying they feel that it's acceptable. The objector felt that it was incorrect as they had to endure the Ferry Road being blocked on a continuous basis and people taking risks having to pass rows of lorries to get past in an area where they were parked illegally on the main road. The SD: PI advised that the objectors feel that this road is not capable for the use it's getting due to the recent matter of sink holes a little further up. The objectors are requesting that the issue of transport is brought up and request that it be investigated further and that an independent transport assessment is completed. The SD: PI stated that he did not have a strong view on this but would say that Roads Service is providing us with a professional assessment and not working on behalf of the developer or objector.

In response to a query, Mr Marrion (SPO) advised that nothing new has been raised as vehicle movements have already been addressed within the report.

Proposed by Councillor Mallaghan
Seconded by Councillor McConnell and

Resolved That planning application LA09/2022/1470/F be approved subject to conditions as per the officer's report.

LA09/2022/1475/F The application forms part of the overall Clogher Active Travel scheme being developed by MUDC & DFI. The scheme will link existing footpaths on the Station Road and the Ballymagowan Road to create a link around the area. This application contains the formalisation of 2 existing entrances along this section being changed into vehicle entrances as part of the works. D01 & DO1A – Change of an existing pedestrian entrance into a vehicle entrance D02 & D02A – Change of an existing field entrance gate into vehicle & commercial vehicle entrance for HGV's/timber lorries to access the existing timber yard business at 2 Properties Entrance Formalisations – One at 47 Station Road, Clogher and the other at 57A Station Road for Mid Ulster District Council

All members present declared an interest in the above application as related to Mid Ulster District Council.

Members considered previously circulated report on planning application LA09/2022/1475/F which had a recommendation for approval.

The Service Director of Planning (SD: PI) said that it had been brought to his attention that landscaping should be included as a condition and asked the SPO to update members present on that condition.

Mr Marrion (SPO) advised that this was in relation to the landscaping which was to be provided. He stated that existing landscaping was to be removed to provide a footpath and new landscaping being proposed which was detailed on one of the landscape drawings with the application. The condition is that the landscaping be provided in accordance with the details on the approved drawing within vertical planting season following commencement hereby approved.

Proposed by Councillor McConnell
Seconded by Councillor Robinson and

Resolved That planning application LA09/2022/1475/F be approved with subject to conditions as per the officer's report including landscaping.

LA09/2023/0025/F Retention of agricultural shed to store machinery adjacent to 26A Brookmount Road, Ballinderry Bridge, Cookstown for Francis Rocks

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

LA09/2023/0066/RM Two storey dwelling & detached garage at 70m SE of 43 Fallylea Lane, Maghera for Mr Michael & Leanne Warnock & McCrystal

Members considered previously circulated report on planning application LA09/2023/0066/RM which had a recommendation for approval.

Proposed by Councillor McFlynn
Seconded by Councillor Clarke and

Resolved That planning application LA09/2023/0066/RM be approved subject to conditions as per the officer's report.

LA09/2023/0087/O Dwelling and detached domestic garage at site approx. 50m E of 90 Screeby Road, Fivemiletown for Mr Ian & Gillian Browne

Proposed by Councillor Robinson
Seconded by Councillor McConnell and

Resolved That planning application LA09/2023/0087/O be approved subject to conditions as per the officer's report.

LA09/2023/0170/O Site for new replacement dwelling to the rear of and approx. 30m E of 87 Kinrush Road, Cookstown for Maurice McKenna

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

LA09/2019/0179/F To continue use of the land and factory without complying with condition 12 of M/2011/0126/F seeking variation of opening hours condition Monday – Friday from 6am – 8pm (Clarification of Operations to be carried out before and after 7am) at lands 70m S of 177 Annagher Road, Coalisland for Dmac Engineering

Mr Marrion (SPO) presented a report on planning application LA09/2019/0179/F advising that it was recommended for refusal. The SPO referred members to previously circulated addendum regarding correspondence related to DMAC Engineering.

The Service Director of Planning (SD: PI) advised that this was quite a tricky and unusual issue as he had been listening very carefully to what was being said. He

referred to Environmental Health investigations which occurred last year and the notion of allowing this unvetted would be very foolish as it was not really a debate on whether we encourage economic activity verses neighbouring amenity, what the debate is about is whether one can mitigate against the adverse effects on neighbours in order to allow the activity.

The SD: PI said that he was highly conscious that Mr Cassidy and Mr Grainger had requested to address the committee, but they had already used their Request to Speak on previous occasions but could very much guess what they would be saying. In addressing the two agents, the SD: PI referred back to the last time discussion took place on this application, it was deferred because he wished to explore in greater depth on whether a condition could be used similar to that used for Creagh Concrete which has not resulted in further problems as far as he was aware since mitigation. The sort of condition talked about would be something to the effect that if this was being allowed, replacing the condition would be made to say that between 6am - 8am the activity at the site shall be restricted to cleaning and prepping of machines and that no loading, unloading or operating of machinery take place either at the building or onsite, over this period workshop doors remain closed apart from allowing pedestrian access.

The SD: PI enquired if this would be a condition in which Mr Cassidy would be agreeable to.

Mr Cassidy advised that this was pretty much the condition he had suggested but the only change would be from 6am – 7am, not 6am – 8am. In response to a query Mr Cassidy advised that 7am is stated on the condition at the moment which he was very happy with.

Mr Marrion (SPO) read out condition no. 12 which is on the permission at the moment:

The development hereby permitted shall not remain open for business prior to 07:00 hrs nor after 20:00hrs Monday to Friday, 08:00 hrs to 14:00 hrs on Saturdays nor at any time on a Sunday.

Mr Cassidy stated that the factory does not open Saturday at all or a Friday.

The SD: PI said that he was highly conscious that members would try and find a way forward but was also highly conscious that Environmental Health have come back with their concerns in recognition of the level of objections. He said that he was not convinced that Environmental Health have considered the use of that condition and asked members to refer this back so Officers can pose this question directly to Environmental Health and ask them if they feel that this condition is unacceptable then to provide us with the empirical evidence on that.

Proposed by Councillor Mallaghan
Seconded by Councillor Varsani and

Resolved That planning application LA09/2019/0179/F be deferred for further consideration. Consultation with Environmental Health to take place on proposed condition.

LA09/2021/1083/F Two storey with lower ground floor replacement dwelling and associated courtyard domestic garages and outbuildings at 9 Mackenny Road, Cookstown for Mrs Wilma Brownlee

Members considered previously circulated report on planning application LA09/2021/1083/F which had a recommendation for approval.

Proposed by Councillor Mallaghan
Seconded by Councillor Clarke and

Resolved That planning application LA09/2021/1083/F be approved subject to conditions as per the officer's report.

LA09/2022/0194/F 2 Agricultural sheds for machinery and feed storage, including photo voltaic panels on southern facing roofs at approx. 40m SW of 14 Bancran Road, Draperstown for Mr D Hegarty

Ms McKinless (SPO) presented previously circulated report on planning application LA09/2022/0194/F which had a recommendation for approval.

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

Councillor Mallaghan left the meeting at 7.31 pm and returned at 7.34 pm.

Ms Kelly thanked the committee for allowing her the opportunity to voice her concerns on behalf of her family regarding this proposal. She advised that her family have lived at their house for over 40 years and are used to normal farming activities with many farmers living with their sheds and garages close to them and if this proposal goes ahead, they will have to live with ongoing third-party farming activities on their doorstep. She advised that they did not want to stand in the way of progress but why does this proposal have to be located so close to her family home when clearly there are other lands available further away from her home. Ms Kelly advised that Environmental Health are limited in their response as they can only comment on the proposal in front of them, but it was clear to see from their response that they are in agreement as they actually say "*given the proximity of this proposal there is a potential for residential amenity to be adversely impacted due to the activities associated with the business, in light of this Environmental Health department recommends in order to retain quality residential amenity and not place restrictions on farming activity, that a suitable separation distance is provided. It's difficult to be restrictive in the distance applied in this department's view, a minimum separation distance of 75m should be applied*". Ms Kelly wished to stress to members that they are using the words "residential amenity" to be adversely impacted due to activities associated with the business and due to the potential for odour and noise pollution, Environmental Health cannot support this application given the current separation

distance. Ms Kelly said that these are the experts in their field and does not think that they would make these comments lightly. A lot of this has been made a suggestion about applying the conditions, the proposed will be used for machinery and field crop storage purposes only and shall be no storage of slurry, manure, silage within the curtilage of the proposed development somehow makes the proposal acceptable and asked how this could be when it is located 30m from her family home. She stated that farming was a 24/7 activity and weather dependent it goes into the night and indeed throughout the night and this could result in third-party activities going on all hours and just have to find this acceptable as Planning has deemed to approve this proposal. She asked how this could be right when there are other proportions of land available to the applicant to situate these sheds and yard. Ms Kelly said that this proposal no matter where located was going to create noise and nuisance but as a family they are asking why it has to be located so close to their family home when this farm has nothing to do with them and in fact it was closer to their family home than to the applicant's and asked how this could be justified. The case officer mentioned double skin insulated panels being used on the shed to help absorb any sound, Ms Kelly advised that no evidence has been found to show how much sound it would absorb and this may be beneficial for the shed located at the recommended 75m away, but the shed that is 30m away from their family home it won't, also this cannot be the fact for the proposed yard, you cannot put double insulated panels on it. The proposed drawing is showing the yard to be only 50m away from the family home when the recommended 75m from Environmental Health. Ms Kelly also noted that within the case officer's report the applicant intends to store crops namely barley, wheat, oats and willows and it was her opinion that once these crops be brought into harvest the need to reduce the moisture content is carried out by mechanical means and enquired if this required the need for a blower and extract system to be installed resulting in noise and nuisance and enquired if this had been clarified with the applicant.

In conclusion, Ms Kelly said that she would appreciate if the committee would take into consideration the affect this proposal will have on her family life and also Environmental Health's comments as they are the experts and do not support this proposal. She cannot see how putting these suggested minimal conditions on this application will make any difference. Ms Kelly said that she would appreciate if the committee would take time to consider all her points regarding the detrimental impact this would have on her family life and felt that an office meeting would have been beneficial to set out their concerns on this proposal and would still be open to this option or even a site visit.

The Service Director of Planning (SD: PI) felt that the objector had put across her view very eloquently and when he looked at the existing farm holding and the fact that there was a laneway going down the road, it does pose the question, why not put those buildings behind the group of existing buildings and existing house. The SD: PI did have some sympathy with what's being said but equally that whilst a condition can be attached to it, it's always hard to regulate what's going on and whether it would be nuisance or not. The SD: PI felt that the best thing that could occur is that something could be accommodated in such a way that this could be used for a range of farming activities as needs arrive. However, he also understood i.e. the farmer needs the building for tractors and had argument that although he only

owned 50 acres or something similar, that he had a lot of farm equipment and needed the buildings to store it.

The SD: PI said that rather than an office meeting, and whilst he wouldn't suggest this normally straight away, he wouldn't see any harm in members having a look to see if they were content with the position as shown or possibly deciding it may be better in a different position. He felt that due to the arguments it may be beneficial for Ms Doyle, Head of Local Planning (HLP) to also have a look at it.

The Chair felt that this would be a useful proposal and although the recent drawing was helpful, felt that nothing beats being out on site.

Councillor McFlynn sought legal advice on where the Council stands on this as the recommendation states that the agricultural sheds should not be closer than 75m and enquired if this was the case here where it was too close.

The SD: PI stated that the 75m was a general rule of thumb, rather than a regulation as it normally felt that a normal agricultural building if 75m away should be ok as there would be enough to disperse the smells, but obviously if talking about something more intensive, a much bigger distance may be required. Environmental Health has provided 2 approaches to this, on one hand they are saying it should be 75m, but if it was just farm machinery that would be ok. He advised that the SPO was out and looked at the site and it was her opinion that the land levels with those conditions were ok and he trusted her view. The SD: PI said that in his own mind there should be a conclusion to keep everyone happy here and best way in his opinion would be for members to go and have a look for themselves and make that informed decision.

Councillor Black said that he had listened intently to what the objector had said about not being against the application in principle and felt that it was important for members to have a look at this proposal and make a final decision.

Proposed by Councillor S McPeake
Seconded by Councillor Mallaghan and

Resolved That planning application LA09/2022/0194/F be deferred for a members' site visit.

LA09/2022/0314/F Retention of 2 additional fun farm buildings with the reconfiguration of parking and turning areas (approved LA09/2017/1704/F) and the utilisation of the existing access lane, with improvements to the existing access, to serve the business (lane approved under LA09/2017/1704/F not to be built) at 250m NE of 260 Drum Road, Cookstown for Martin McDonald

Councillor Mallaghan declared an interest in the above application.

Councillor Clarke declared an interest in the above application.

Ms McKinless (SPO) presented previously circulated report for planning application LA09/2022/0314/F which had a recommendation for approval. She referred to previously circulated addendum which included correspondence from Mr Keith Buchanan MLA.

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

Ms Conway advised the committee she was representing her family which has used this lane to access their farmlands for over 30 years. As stated within the planning report, the laneway which is a single track also provides access to a former sand and gravel pit which appears to be redundant in addition to third party farmlands, there are no passing bays on the laneway and this is bounded by mature trees to the southeast on a standing mature woodland former landfill site to the northwest. Currently the sand and gravel pit is active with lorries transporting products and farmlands heavy machinery with no passing bays on the laneway. Within the report it states that there is an expectation that the quarry and the fun-farm liaise to ensure satisfactory arrangements are in place, how can this committee satisfy itself that the expectation between the quarry operator and fun-farm operator liaise to ensure satisfactory arrangements are in place. Safety is not an expectation; it is a requirement as there is no physical room for this traffic to meet above the possible 20m section if at all provided as it was a single-track lane. Environmental Health report focused on access to the quarry by visitors etc and not traffic on the laneway. As stated within the report the access works which were required under LA09/2017/1704/F included the widening of the first 20m to a width of 8m as per condition has not been provided. Ms Conway enquired if this Council was content that this amount of traffic, agricultural, industrial and pleasure which all share this laneway including visitor attraction entering and existing onto a shared site one track laneway. The DfI report clearly and rightly indicates they are concerned to, from the laneway onto the public road, but the laneway is causing serious access issues to their lands and businesses, DfI will have limited concerns over private laneway safety that will lay with this committee. It is concerning that a safe access route to this visitor attraction:

- a) not built under LA09/2017/1704/F with no enforcement carried out
- b) that this application in part is to remove that degree of safety to this site

Ms Conway stated as the enforcing authority as both planning and visitor attractions both Environmental Health and this committee will share the responsibility if this decision is made and can they satisfy themselves that the applicant has a legal right of way up the lane in question, never mind alter the lane and under whose ownership. She suggested that the committee visit the site and satisfy themselves that there are no issues concerning safety that will come back on this committee.

The Chair advised that a request to speak in support of the application had been received and invited Ms Gourley to address the committee.

Ms Gourley advised that as previously stated by the SPO McDonald's fun-farm has been approved, established and operated for a few years and bringing much needed

tourism to the Mid Ulster area. Admittedly, the negative condition of the 2017 approval for access improvements were not carried out prior to operations beginning but following receipt of enforcement notice last summer, these works have now been completed to the satisfaction to both the Enforcement team and DfI Roads. In terms of who actually owns the lane which was critical, Ms Gourley advised that at the centre of this dispute Mid Ulster Council has been supplied with maps showing that the lane was jointly owned by Mid Ulster Council and Dan McDonald (applicant's father) neither of the objectors own any part of the lane, Dan McDonald bought this farm ground in 1970's and actively farmed it since, his son Martin started the fun-farm business as a farm diversification project. Note, owners of the quarry to the rear of the fun-farm site have only a right-of-way along the lane, no other party is permitted to use the lane, agricultural traffic should not be on the lane. The farmlands that the farmer accesses were bought without access being in place 10 years ago and not 30 years ago and had asked the applicant for confirmation of this. The applicant Mr McDonald alleges that the quarry no longer benefits from planning permission and this matter has been raised with Mid Ulster Council's Enforcement team and was his belief that excavation taking place is doing so outside the approved boundary and is digging down 20m more than what was previously approved. The late objection which arrived this morning from Mr Keith Buchanan MLA raises concerns with regards to safety along the lane with heavy traffic from the quarry for visiting traffic to the fun-farm, if the quarry is unauthorised, then lorries should not be on the lane. Ms Gourley felt that Planning should not concern themselves regarding land titles, nor protect the interest of one landowner against the other, this is clearly a civil, personal dispute between two neighbouring landowners, a civil matter to be resolved by legal advisors, it does not fall under the remit of Planning nor Mid Ulster Planning Committee. Deferring this application again for a site visit is negatory as a site visit would be entirely pointless as people were unlikely to be onsite at the exact time when the fun-farm is open, people visiting and quarry traffic coming up and down the lane. DfI are the accompanying authority, and they have no issues of safety and delaying it tonight will only drag this case out for another few months with no sign of agreement being reached between parties. Ms Gourley advised that the application meets policy, full consideration has been given to the relevant matters and urged members tonight to agree to this approval and let a decision be issued to allow this fun-farm to bring welcome tourism to the Mid Ulster area.

The Service Director of Planning (SD: PI) enquired why the applicant did not build the access the way it was originally approved.

Ms Gourley said that first and foremost it was a financial issue and for anyone visiting the fun-farm, including herself and her children, the applicant doesn't ask for an entry fee, it's a small-scale business and nothing like the large fun-farm businesses you see across Northern Ireland and the only profit the applicant makes is selling ice-cream to the kids. The expense of creating a new laneway and also the fact they part own the lane, is within his right to use the lane.

The SD: PI said that whilst listening to the objector, the notion of passing bays was presented and to provide a couple of those could be done quite easily by throwing down a few stones and asked if there was anything to prevent the applicant from doing this.

Ms Gourley stated that she had forwarded on photographs today to the SPO showing a large grass verge along the laneway where a car can pull in and park easily if a lorry was emerging from the quarry and this could be indicated on the drawings.

The SD: PI felt that this would be a very good idea. He said that he had listened to the objector and ultimately this had been raised by her and asked why this has not been done. The SD: PI said if this could be accommodated that this would make sense for everyone concerned as it was evident that clearly there was a dispute taking place between the parties and he did not intend standing in the middle on whether to take enforcement action against this person or that person and the only thing that he does know is that it won't work well for anybody. He said the best thing to do here is to try and accommodate everyone including the Council as we are interested in everybody's safety.

The SD: PI requested that there be revised drawings showing passing bays and these only need hardcore or gravel.

Ms Gourley said that the request could be accommodated and asked would it be possible not to delay a decision being reached tonight.

The SD: PI said that in his opinion that nothing would be lost in delaying the decision as it wasn't a case of an enforcement notice being used in preventing the fun-farm from operating and was a logical way of resolving the matter.

The Chair advised if this was as straight forward as the SD: PI alluded to, drawings being provided to the Officers that clearly shows the implementation of passing bays, created and constructed within the width of the lane both sides and if that satisfies the Officers then an approval could be issued.

Councillor Black advised that he had listened intently to what all parties has said and in his own head has tried to sort the wheat from the chaff so to speak, there has been a lot of comments made and would agree some of those are civil issues and obviously isn't something that we need to take on board from a Planning perspective. However, he felt there were a couple of things that needs to be looked at here, reference made to no safety concerns relating to Dfl and there has 20m provided here, but obviously lane would be much further up to get the vehicles to their destination. There was a comment made that Council are the body responsible for visitor attractions and does put an onus on us as a committee to make sure there are no other things that we need to be concerned with. The member felt that the SD: PI made a reasonable suggestion in relation to passing bays which might alleviate some of these problems but felt that it would be valuable for us as a committee to look at this in person to make sure that a solution put forward for passing bays does resolve the issue. The member felt that this would provide members with an opportunity to satisfy ourselves as a committee that there was nothing else we needed to be taking on board here due to the safety concerns which have been raised which might come back and cause concerns at a later date. The member felt that it would be important to look at this in conjunction with the revised plan provided and proposed that a members' site visit be arranged to give us time to do that.

The Chair said that whilst he appreciated what the member had stated, he also was listening attentively to Ms Gourley in support of the application, and she convinced him that being onsite wasn't actually going to benefit us much as it was an civil matter regarding the ownership of the laneway and reiterated his suggestion if the drawing could be provided and satisfy the planning officers that passing bays can be accommodated within the lane, then this was sufficient for him for an approval and doesn't have to come back to committee for decision.

Councillor Mallaghan said that he had already declared an interest in the application and wished to explain to the committee why. He advised that he had met all parties within this dispute in a roll to try and bring it to some sort of conclusion. He said that there was no doubt that a fun-farm in Kildress would be a great thing and has over this last number of years built up a good bit of tourism infrastructure in the Kildress area with Davagh and everything else and the more attractions we bring in the better which means people can stay longer and do more. The member advised that there were also other people trying to work on this lane and make a living like everyone else and the issue here is that if the lane was no longer blocked in the future, all these objections would fall away immediately, and this was really the issue here. He felt it was time to draw a line in the sand and if McDonalds would agree to let other people use the laneway, he felt that all these objections could be withdrawn, and everyone could move on and live happily ever after. He said that his Grandfather used to have a saying "*you will have your neighbours when you won't have your friends*" and this would be a big advantage here if everyone could work on their relationship a bit better to try and work with each other, work together, look out for each other, do business together to try and move this forward. The longer this goes on for all parties, the more expensive and difficult it is going to get and everyone should give good consideration at this stage to burying the hatchet to resolve the matter.

Councillor Cuthbertson seconded Councillor Black's proposal.

Councillor Cuthbertson referred to the laneway where it was said that Mid Ulster District Council had a role in this and enquired if the applicant had to consult with the other owner in relation to altering or widening the lane, constructing bays or would there be a role for Mid Ulster Council to be consulted on.

The SD: PI said that he would take the view as this was private and and we have a request to declare it as a public public right-of-way, but it is private land therefore any dispute on the access is a private matter between the parties concerned. In relation to the issue of safety, we know from Roads Service they adopt a cautious approach to a protected route and thus they have not considered lightly. Roads Service would only be concerned if a private laneway impacted on the main road, which in this case they are satisfied. The Council still has a duty of care to consider safety of those on the laneway and it's crystal clear from the objector that they would be content if there were passing bays implemented which can be seen as a logical way of resolving this dispute.

The Chair advised that he put forward his proposal to agree the recommendation with the conditions attached but no seconder has been reached.

He stated that there was another counterproposal to carry out a members' site visit and would leave up to members to make the decision.

The SD: PI said members may feel there was a benefit to having a site visit, but he wouldn't be continually encouraging them to arrange site visits as this Council has a lot of deferred applications, equally said that when there is a dispute between parties which is fairly strong, it makes good sense to have a look at things as this will be on record.

Ms Gourley advised that she could have the amended drawings submitted before members carry out their site visit.

Resolved That planning application LA09/2022/0314/F be deferred for a Members site visit. Agent to submit additional information.

LA09/2022/0624/F Section 54 application for approval LA09/2017/0487/F to remove the requirement of road widening & provision of an additional footpath along the entire frontage of the development as safe access on both approaches to the development have now been provided in accordance with the approved stamped drawings at Clonoe O'Rahilly GFC, 93 Washingbay Road, Coalisland for Clonoe O'Rahilly GFC

Members considered previously circulated report on planning application LA09/2022/0624/F which had a recommendation for approval.

Proposed by Councillor Carney
Seconded by Councillor Kerr

To accept the recommendation.

The Chair advised that Mr Gordon Noble from Dfl was in attendance and invited him to address the committee.

Mr Noble advised that the footway was approved as part of the original application in 2017 and this application was to remove that condition from that. From Dfl's point of view they are consistent to the approach they are taking from this, the baseline of the footway across the frontage was agreed through the applicant's planning consultant and through the Planning committee with subsequent conditions. He said that it was standard practice for Dfl when any application comes forward that they look for consistency of getting frontage development across here. In this particular case in the development of this site there is intensification of use whenever the site is being developed, this gives Dfl a reason to ask for these infrastructure upgrades which are then required from this. The site as developed will be extra footpath and extra users. Even though Mid Ulster District Council Active Travel Scheme had already provided an access to the eastern side for the village out, Dfl are still of the opinion the footway across the actual frontage to join the two western and eastern accesses

should be conditioned to be part of the overall development. It wasn't Dfl Roads who created the need for this footway, it was the development that created the need for it. In terms of development management practice note, there is 6 conditions which should be met:

- Necessary
- Relevant to Planning
- Relevant to the development to be permitted
- Enforceable
- Precise
- Reasonable in all other respects

Dfl's main aim is to travel by a sustainable mode which they were moving towards to try and reduce the dependency on cars to get to various sites. In keeping with the general principle 5 of PPS13 Transport and Land where applicants are required to bear the cost of the transport infrastructure in regard to their development. Due to multi use development this is relevant Dfl Roads have no objections to the vehicular access to the site, the only issue they have is that a continuous footpath should be provided along the south side of the Washingbay Road for the convenience and safety of pedestrians.

Mr Noble said that he would like the committee to take on board their responsibility when they were making their decision as they were potential asking pedestrians to cross the road twice to get across the road to use the opposite footway and then cross back again which would not be a safe method of travel for pedestrians or cyclists.

In summary Dfl Roads position is that the road linkage across the frontage should be continued to be included as granted in 2017 application and would suggest that Section 54 is not approved at this point and time.

Councillor Cuthbertson said that it may be useful to hear from the Case Officer in relation to how the decision was made to recommend the application for approval when going against the recommendation from Dfl Roads on safety concerns.

Mr Marrion (SPO) referred to what Mr Noble alluded to and stated that his application relates to the condition for the need for a continuous footpath link along the south side of Washingbay Road in association with planning permission granted for facilities at the site. The SPO took members through the overhead map of the site indicating access and pedestrian access points. The applicants have advised that they have provided access for pedestrians who would be accessing the site which has been done in a safe manner including widening the footpath and setting the wall back to the east side of the site as well as crossing points on the Washingbay Road. On the west side of the site, they have provided pedestrian access as well as crossing points on the Washingbay Road which provides linkages to the continuous footpath on that side of the road. Mr Marron (SPO) agreed with what Mr Noble stated, that this had been completed as part of the Active Travel Scheme and as far as the applicant's aware this has been agreed with Dfl as part of that scheme. Dfl Roads have advised that they are not content with this, and they have requested the footpath be provided in its entirety across the frontage. Dfl Roads have rolled back on their request on the full standard of the footpath, they

said that they will accept this standard, but they would require details to be able to approve those. The SPO said that Mr Noble alluded to their 6 tests for planning conditions as set out within the report and in this case he didn't think it was necessary for this development as the applicant has provided access for pedestrians from the two desire lines either side of it, anyone from the west would be coming from the opposite side anyway and then crossing the road to access the site from the west and anyone coming from the village to the east will be coming towards the access into the site. The SPO said that it would be logical to provide a footpath link across the frontage of the site here whether or not it is necessary is the question that needs to be asked and stated that there was no further development to the west which is zoned within the settlement limits, there is nothing else within the direction that would be a significant traffic generator for pedestrian traffic which would require anything to be put across the frontage. Mr Marrion (SPO) referred to overhead map advising that there is a hard verge towards the village, surfaced over as part of the road improvements along Washingbay Road and the other side of that is a verge which goes up to the access point, which is there already. Mr Noble alluded to any future developers being held to ransom, the SPO advised that there was ground there and was up to those developers to come forward at any point in the future to provide those. Mr Marrion (SPO) advised that this was his reasoning for not requesting that and although he can see DfI Roads Service point and position that it would be desirable to have that and logical also, but this really comes down to not being necessary for this development.

The SD: PI enquired if the Club were time locked into when the works needs to be completed.

Mr Marrion (SPO) advised that the condition at the moment is a pre-commencement condition, planning permission was granted for this in August 2018, co pre-commencement condition must be met before the end of August this year or else the planning permission will not have commenced on time and would have to be reconsidered.

The SD: PI enquired if this would be consequence for the Club if they are drawing down funding for this work.

Mr Marrion (SPO) said as far as he was aware the Club were applying for funding; they have advised that they are ready to start and the only thing that is preventing them from starting is that the pre-commencement condition hasn't been met.

The SD: PI suggested that a compromise might be that the Club be required to put the pavement in along their part frontage but not all of the frontage.

Mr Noble said that this would be something that could be considered as reasonable if the Club put in the 2m wide footway across their own frontage.

The SD: PI advised that this was how planning treat most private developers, they would deal with their own site.

Councillor Mallaghan advised that Mr Noble made reference within his remarks about intensification and whilst these would be improvements at the Club, it would

remain the same size, same number of members, same number of users but only better facilities. The member stated that within his own Club, they had spent a lot of money developing the site, but there was going to be the same number of users each week, each month and would like to get a bit of background on this.

Mr Noble in replying to member's query advised that when a facility is upgraded there may be the same number of users, but this would intensify as they would be using the facilities more frequently when there is a better gym and better training facilities.

Mr Noble in response to the SD: PI's query advised that DfI Roads would still like to see some kind of pedestrian linkage footway along the access from the west to the east as the desired line isn't always through the actual site along the front. Consideration could be given for the Club constructing a footway along the area in which they own and whatever width available along the grass verge along the two private dwellings and full access when you go to the other point controlled by the Club again. Mr Noble said that he was aware of these being pre-commencement conditions and was also aware how useful this would be to the village, so there could be an option to change this into a pre-operation condition which would help the Club to draw down the funding.

Councillor Clarke said that by listening to this debate he thought of a different situation that he was aware of. He referred to a local very busy community village where there is a 30m stretch of footpath which has never been put in place by DfI themselves and continuously on Roads Service's forward planning and never done. If DfI haven't got the money to do 30m, he felt it was a bit oppressive to ask a Club to do that on land that they don't actually own.

Councillor Quinn said that this issue has been ongoing for years and sitting here tonight listening to a lot of talk about compromise, the Club have already compromised on this. This restriction was placed quite a number of years ago, the Club for years have been trying to get it removed because it was stopping them from getting money and investment into what will be a fantastic facility for the local area. The Club reached a compromise where they knocked down part of the wall, they were then helped by the Council to form part of a footpath to essentially create two entrances into this site, second entrance was for most of the traffic flow and footfall coming from, they put the money in and was led to believe that this would be enough and now tonight DfI are saying that it's not enough and wanting more of a footpath being built that they have already funded, through private land that the Club doesn't own. The member stated that this would be a footpath that people would not be using because people will be using the brand-new entrance which will be designed for pedestrians. This will be a state-of-the-art facility for the community and this footpath is the only thing that is holding them back. It is a struggle to get money and although he understands DfI Roads objections, the Club has done everything that has been required of them and it's ridiculous as there are smaller footpaths in the country that DfI have not funded for.

Councillor Carney advised that this has been developed through Active Travel and is more than sufficient to ensure safe access for traffic coming from the east and west of the Club as set out in the case officer's drawings. The ground required comes

across two private properties and requires them to give substantial parts of their front gardens and this footpath will only service those two homes which does not benefit anyone as there is two access points which pedestrians can safely use. The member felt what was being asked here tonight would be an unnecessary burden for the Club who have been raising the funds for a new development and given the currently circumstances with the cost of living and budget crisis it's an ask for the Club as it will not add to their development.

Councillor Kerr stated that the proposal has been recommended for approval and should proceed. The member felt that any further delay of the development would be to the detriment of Clonoe GAA Club and if this was approved here tonight there would be no further delay to O'Rahilly Club's plans for development as he was aware of them having several projects which currently, they were working on which was going to cause a lot of finance. The member felt that best way to proceed tonight was to approve the recommendation so not to further delay progress being made and does not believe suggestion made by Dfl regarding the footway will have much of a footfall for local residents as the infrastructure is already in place to deal with pedestrians and traffic which is sufficient.

Councillor Cuthbertson said that a member had made reference about a delay on this proposal and felt that we should not be taking the blame as the original application was halfway between 2017 and approved early 2018. This application to remove the condition of approval was only submitted in 2022 and felt that Council hasn't delayed anything for 5 years. The committee seen fit in 2018 to approve the application with this condition on it on the advice of Dfl Roads at the time and felt that it would be totally unwise to cast adrift what Mr Noble is saying and felt there was room for negotiation on it as it was mentioned earlier that there was potential for agreement to not insist on the full standard which would probably be a narrower footpath. The member referred to the case officer's update on access points but he was not familiar with the location and felt that the committee could not determine where a child is going to cross the road and it good to see that there were no accidents to date but going forward if we totally cast aside what Dfl are saying on a safety issue and something happens down the road, he felt that people would be pointing the finger of blame on us. The member felt that the two parties should sit down and reach a compromise, whether it be a footpath in front of the development or to a lesser standard but felt there was a need to have some sort of an agreement.

The SD: PI said that it was quite clear that most members sitting around the table here tonight feel that it would be unreasonable to stop the development.

Councillor Mallaghan stated that this was not a counterproposal as such but sought more clarification on the issue. The member referred to the time issue and said if this was not going to be sorted out tonight then it would expire this month and this would cause great expense for the Club in one regard. He referred to the intensification again for a second time as he felt there would be no intensification of use at this site because anyone who was a member of a GAA Club will know, you could built the Taj Mahal at your club and still have difficulty getting new members coming in as there was a certain threshold of people to join a club. The member advised that he looked at the maps and there is a footway on the opposite side of the road and made a crossing point on the Coalisland side and the new Active Travel

scheme, a brand-new entrance at the Clonoe side. The member said that this facility was very well catered for in terms of pedestrians walking to and from their club, in fact there were other places around the country having this sitting outside their premises would be more than happy with it. He said that he would always take DfI concerns into consideration but in these circumstances, there are private properties that sit in between and felt it was generally wholly unnecessary to put this in place and would guarantee that no-one steps foot on it which proves how unnecessary it would be. The member felt that whilst it is important to take good consideration of everything which committee has been told here, it was his opinion that the people who are going to access this club on foot are very well catered for as the provision is already there.

The SD: PI said from what he was drawing from what was said was agreeing to his option of putting in some sort of footway at a later date and felt that what was being said was the most sensible way to proceed along the frontage.

Councillor Mallaghan proposed to accept the recommendation for approval tonight.

Mr Noble in response to SD: PI enquired when the committee talks about protecting the line does that mean that there would be sufficient space left for the Department or someone else to provide a 2m footway in the future or are we still talking about the Club constructing a 2m wide footway along their ground or something standard across the two private houses.

The SD: PI would suggest getting a drawing shaded and between Mr Noble and the case officer to identify the area protected so there is no obstruction.

The SD: PI felt that there was control here as people on the other side of the road will go to the GAA Club and no evidence that this is a road hazard to date and in his view that this area is protected.

The Chair advised that a request to speak in support of the application had been received and invited Mr Declan Diamond to address the committee.

Mr Diamond advised that he was the agent supporting the Club on traffic and transport matters through the application. He stated that he wished to clarify a few points. Firstly, comment around the original approval and was correct to say that the condition was applied at the original time but the ground conditions have changed since that time as pointed out by others as the Active Travel Scheme was implemented prior to the original approval and the pedestrian approvals put in place after that approval. A standardised footway has been built, tactile paving has been provided, pedestrian guard rails have been installed which would safeguard that element of safety of children running onto the road, speed bumps provided along the Washingbay Road to reduce traffic speeds, which has improved accessibility for walking and wheeling trips. DfI's position is that the removal of planning conditions would mean a safe means of access, but they fail to recognise that a safe access has been achieved with the recent improvement works. He asked members to note that these improvement works have created a safer means of access and the proposal put forward by the Department advising that they would access a

substandard less than 2m footway and the question he would raise is how would a substandard safer than what was currently on the ground.

In response to a query, Mr Noble advised that the scheme which was implemented through Mid Ulster Council for the Active Travel Scheme was actually funded by DfI and this was where the two access points came from and asked if the SD: PI was enquiring if he thought it was dangerous.

The SD: PI said that he was asking if the Active Travel Scheme made getting to that Club safe.

Mr Noble agreed that it did make it safer.

Councillor Clarke seconded Councillor Mallaghan's proposal.

Councillor Kerr said that as far as he was aware there were a few more speakers in attendance here tonight who were also in favour of the application and asked that they also be given an opportunity to address the committee.

The Chair advised that the total time of 3 minutes speaking on the application by the agents had been used.

Councillor Kerr said that he would like to hear the other speakers to help him make his mind up.

The Chair said that he would allow 1 minute only as time had already been exceeded discussing this case.

The Chair welcomed to the committee Ms Lisa Shannon and invited her to address the committee.

Ms Shannon said that her company were the planning consultants for the applicant and wanted to fully endorse the case officer's recommendation to approve the application as it was both key to the planning history and the recent infrastructure improvements in the area are key considerations. She said that there were a number of subsequent planning approvals on the site which confirms development on the original approval can proceed without the need for any additional onsite infrastructure improvements. In regard to intensification, the non-material change was a much lesser scheme than what was previously granted in terms of parking spaces and recreational area. She said that it was felt unnecessary to provide the full footpath link which has been agreed by planning officers, pedestrians have already been provided for with safe pedestrian access from both directions due to those recent infrastructure improvements. She agreed with comments made previously on it being unfair for a voluntary organisation being required to undertake these works with no additional benefit to the works already undertaken.

Councillor Mallaghan confirmed that his proposal was to accept the condition as it was and that the wording in it covers what exactly with Dr Boomer had alluded to in terms of protecting the line as it has to be dealt with when the drawings come back at a later date.

The Chair asked if the original proposers, Councillor Carney and Councillor Kerr if they were happy to agree to Councillor Mallaghan's proposal.

Councillor Carney and Councillor Kerr both agreed.

Councillor Cuthbertson stated that he wished to put it on record that he was not happy to go against Dfl Roads Service advice in this instance.

Proposed by Councillor Mallaghan
Seconded by Councillor Clarke and

Resolved That planning application LA09/2021/0624/F be approved subject to conditions as per the officer's report.

LA09/2022/1106/F Replacement Dwelling and Carport at 5 Greenvale, Cookstown for Mr Odran McCracken

Members considered previously circulated report on planning application LA09/2022/1106/F which had a recommendation for approval.

Proposed by Councillor Mallaghan
Seconded by Councillor Clarke and

Resolved That planning application LA09/2022/1106/F be approved subject to conditions as per the officer's report.

LA09/2022/1288/O Replacement dwelling as a result of a fire damaged house at 15 Finulagh Road, Castlecaulfield for Ryan McGurk

Members considered previously circulated report on planning application LA09/2022/1288/O which had a recommendation for approval.

Proposed by Councillor McElvogue
Seconded by Councillor McFlynn and

Resolved That planning application LA09/2022/1288/O be approved subject to conditions as per the officer's report.

LA09/2022/1419/O Single detached Bungalow with associated external private amenity space and garage at lands to the W of 4,5,6 & 7 Riverdale Drive, Cookstown for Mr Sammy Lyle

Ms McKinless (SPO) presented a report on planning application LA09/2022/1419/O advising that it was recommended for refusal.

Councillor Clarke left the meeting at 9.04 pm and returned at 9.06 pm.

The Chair advised that a request to speak in support of the application had been received and invited Mr Tong to address the committee.

Mr Tong thanked the committee in allowing him the opportunity to be here tonight. He said that he had received the case officer's report and wished to look into the reasons for refusal. He referred to CTY2A and CTY13 of PPS 21 and said that the reason that this was here because it appears to be a very restricted site but if members look at the fenced off area of 75m sq. was put out there because within the Creating Places recommendations was twice the size of the recommended requirement for that scheme, but when members look at the overhead map of shaded green area which was all within the applicant's ownership, this could be extended if required. The other reason given was the proximity to the main Dungannon Road. Since the writing of the report the condition between the site and road itself has actually been improved by Dfl Roads for new cycle and footpath way and this has created a natural buffer zone between the road and site itself. There is a precedent of a dwelling in a very similar condition at Westland Road South where amenity space was bounded by two roads at an actual roundabout with the site area being less on this proposal here which had actually been granted approval in June 2018. He concluded by saying that all the dwellings in the cul-de-sac were individual with different garden sizes and would welcome a further site meeting.

Councillor Black said that by listening to what both the case officer and the agent alluded to it may be worthwhile having a site visit for members to determine for themselves.

Proposed by Councillor Black
Seconded by Councillor S McPeake and

Resolved That planning application LA09/2022/1419/O be deferred for a members site visit.

Councillor Mallaghan left the meeting at 9.10 pm and returned at 9.14 pm.

Councillor McElvogue left the meeting at 9.11 pm and returned at 9.14 pm.

P084/23 Receive Report on Dfl Notice of Opinion on LA03/2021/0940/F.

The Service Director of Planning (SD: PI) presented previously circulated report to advise members of Dfl's Notice of Opinion to approve an application which seeks the non-compliance with conditions number 07 and condition number 12 of planning approval LA03/2021/0940/F.

Dfl have invited any requests for an opportunity to appear before and be heard by the Planning Appeals Commission, or a person appointed by the Department for the purpose of a hearing, in writing, within 8 weeks from the date of service of the Notice.

Councillor Clarke said the first thing he has been made aware of in relation to nighttime working and various species which may be affected by it that RSPB have not been consulted. The member found it remiss of any application of all important aspects of nature and not something to be pushed to the side. There are concerns, NED has concerns as this is a major change to an approval which has been granted

with two conditions attached and now asking for them to be removed. The member stated that these two conditions were very important as we all know how important Lough Neagh and its environs is to the bird population, the diving ducks etc. the area where this work is carried out is where there is a lot of activity so much so that no active survey has been done, because it cannot be done, they are aware of quite a number of species which operate within that area in the night-time. He said he had read through the document and the amount of palaver, 66 pages and quite a number of these pages is totally irrelevant as it wasn't about what the conditions area, it was stated that it was a small area, and this is totally irrelevant if it is having a serious impact on the population of wildlife which survives in that area. He said that although it is a small area of Lough Neagh it is still a large area, its stated about the importance of a shore, this wouldn't be there without a Lough and felt that there was a lot of nonsense put forward. The member said that he has went through the report and this was typical of what happens, an application is made and granted in this sort of field conditions and the first thing you do is try and remove the conditions, but these conditions are put in for a reason and those reasons have not changed since then. The member referred to item 6.20 where there is a reference to a Tourism Opportunity Zones (TOZs) – Washingbay, Mountjoy, Traad Point and the Battery but only in relation to the shore and felt that without the Lough there would be no shore. Traad Point is property belonging to this Council which is hoped to be the subject of enhancement in the near future and very close to this site. The member felt that this Council shouldn't be taking a flippant attitude to this proposal to remove 2 of the conditions.

Councillor Varsani felt that there were a number of considerations in this regard. Firstly, sand removal from the Lough was taking place for some 70 years without the proper permissions and it was her belief that this was before 2017. The industries were forced to make an application which was good and proper, we are not talking about banning sand extraction at this point and was important to remember that this was in context in what was quite a long and protracted series and process of trying to find out what should and should not be going on on the Lough. The member said that it was her understanding that there was an exhaustive previous procedure leading up to permission being granted, however it was her understanding that there have been 46 potential planning breaches in relation to sand and gravel extraction from Lough Neagh in the two years preceding now. There is an onus on ourselves to proceed with caution, the precautionary principle which has been upheld by the court of appeal says we cannot move forward with processes or development if we are now sure about the harm that they may do. Within the report and as previously pointed out by Councillor Clarke there is a lot of discussion within the report, but some is flannel. If you read about what they are saying about the bird surveys, they note the inability to differentiate birds much beyond a 100m range, she asked does birds not fly and what is this supposed to tell us and seems to indicate that there is not enough information at hand. In other words, if experts don't know, how are we suppose to know. Further to this, there has been numerous warnings from across the globe and her locally about the ramped up industrialised extraction of sand, particularly from Lough Neagh and other places across the world. Fisher folk report serious depletion of one's plentiful stock in the Lough, particularly in the areas where this extraction is taking place, in fact the reference they make, the Lough Neagh Fisherman's Cooperative Society call the areas "dead zones", and this is what is being currently talked about. We also know that monitoring reports which have been

requested have been withheld as they are deemed commercially sensitive, so information out there that we do not have our hands on. As previously stated, no Stormont department or any other agency currently carries out regular surveys of the Lough bed, an expert from Newcastle University, Dr Chris Hackney did some research on the scarring at the beds where the dredging has taken place, there are now scars up to 56ft or 17m noted and previously it used to be 13ft deep which is now considerably larger. Permission has been granted for sand extraction and not saying to rescind that, what we are saying is that we need to be extremely careful and when there is so many different elements that are unknown, then there is a need to work on the precautionary principle. The member stated that one of the current objectors has said that negation of the previously exhausted considerations amounts to salami slicing and would find it very hard to disagree with that, where permission is granted, it's disregarded, and they ask for different permissions and would be important to proceed with the upmost caution.

Councillor McFlynn concurred with all the sentiments previously made as Lough Neagh is very precious to us and the people of Doss as mentioned within this report, which is on the outskirts of Toome and also Traad Point down at Ballymaguigan. The member advised that there was a bird nature reserve at the site where a local group has been enhanced and wish to retain it the way it is. She referred to the blue/green algae which has appeared right around the Lough and has now travelled down the North Coast to Portrush and Castlerock. The member said if we were going to allow pollution to happen to the Lough, it was going to take 20 to 30 years to bring it back to the way it was before. Approval is there is allow a certain amount of time for the dredgers to go in and should be taken very seriously that they are trying to remove those conditions to dredge all night and continue to pollute the Lough and drive wildlife away. A recent visit to the Fisherman's Cooperative in Toome Eel Fishery, traders and fishermen have indicated that the eel catch is not as good as it used to be, and the pollen fish is also depleting. The member said it saddened her just because industry states that we should align more dredging that we should allow it and felt that it was wrong to continue to destroy the environment of Lough Neagh. She felt that it would be important to make a note to contest this threat in anyway, then the Council should do that.

The SD: PI said that his knowledge of the ecology of Lough Neagh is very weak and would very much welcome the view which has been put by members. He felt the starting point was the precautionary principle as it was a conservation nature reserve of importance. Clearly members have identified concerns that the evidence base has not been adequately in order to inform the decision. Furthermore, the SD: PI knows that this permission may exist but there are unauthorised extractions outside of that i.e. the planning agreement and the supervision of the Lough has not been adequate to stop pirate extraction.

The SD: PI said all that this committee wants is a thorough examination of the issues and suggested writing a very quick holding response to say that we are greatly concerned given the precautionary principle that in applying conditions, that they were applied be necessary based on the evidence provided, we are not satisfied that enough information has been gathered in order to justify this change and would be an erosion of the actual permission given. As a result of this Mid Ulster District Council feels that a public enquiry needs to be held in order to examine the evidence

base. The SD: PI also suggested setting up a member working group to work with Mr Bowman to look further at what the cases and issues are as he wouldn't want to write anything without having any substance.

Councillor Clarke proposed the suggestion made by the SD: PI and wished to say a few things above and beyond what has already been said. The member said that SES (Shared Environmental Services) identify disturbance by barges in the hours of darkness to several species of diving duck wintering on Lough Neagh. He referred to point 6.37, NED has also raised concerns due to the large aggregation of three diving duck species regular occur in proximity to four of the onshore processing sites and the extraction area itself. The member stated that concerns has been raised and the first ultimate one was a body which should have been consulted with was RSPB which were unaware of it and felt that we need to move forward on that basis.

The SD: PI said that he would liaise with Mr Bowman (Head of Strategic Planning – HSP) to convene a meeting to get assistance from Councillors Clarke, Varsani, McFlynn and any other Councillor who may wish to be involved.

Councillor Kerr said that some of the previous members had spoken very articulately and would strongly oppose the removing of any condition as protecting the Lough was very important. The Lough provides a great benefit to the Mid Ulster community as a whole and the recent emerging of algae which is causing great concern for humans, pets and wildlife as it was dangerous and damaging. He felt that the suggestion made would be very worthwhile for members of the Planning committee to try and fact-find and articulate an argument to force the applicants to come up with better answers as all the information needs to be provided to local representatives and the public who has a great interest in the preservation of the Lough.

The Chair felt that Councillor Kerr put forward a very articulate comment which reminded him of once discussing wind turbines and birds with the Permanent Secretary, with the Minister being very dismissive of the impact on bird life and not one example of where a protected species has been killed by flying into a wind turbine. The SD: PI took the Minister to one side and advise him that the reason for that is because the area was a habitat for protected species but if a massive turbine is implemented on the habitat, this would be like a massive scarecrow and therefore the birds will not come and degrade our species in our environment. He felt that sometimes common sense goes out the window as people be looking for the wrong thing.

The SD: PI asked if Councillor Kerr would be interested in being involved the the working group.

Councillor Kerr advised that he would be very interested in being involved.

The Chair advised that it may be worthwhile inviting all the Planning Committee members but wanted to thank those members that spoke in great detail as it was obvious they had went through the report, read it and spoke to other outside agencies, found faults and brought their findings back to committee and were indebted to those members who spent that time in doing this as Council would be

richer and better off for that. He said that when the holding statement and the voice that there should be a public enquiry but when we can inform ourselves and information made towards that or make the argument more detailed, we will have that discussion through a work, task and finish group on this issue.

Proposed by Councillor Clarke
Seconded by Councillor Kerr and

Resolved Agreed that:

- (a) A working group be set up with Planning Committee members and Mr Bowman (Head of Strategic Planning) on concerns relating to the possible removal of pre-approved conditions relating to Lough Neagh.
- (b) Dr Boomer write to Dfl with a holding response summarising the general concerns, request an examination and inviting the Department to address our concerns.

Matters for Information

P085/23 Minutes of Planning Committee Meeting held on 4 July 2023

Members noted minutes of Planning Committee held on 4 July 2023.

Councillor Cuthbertson referred to item P071/23 and where it was resolved “*to progress the decision of the Planning Committee to have a start time of 5pm for its Committee meetings going forward*”. The member said that this also got a hearing at the full Council meeting in July, the Chief Executive did say that if there was consensus or general agreement in the Planning Committee that they would have the authority to do that. Regrettably, at last month's Planning Committee or full Council meeting, members were not furnished with the results of the survey that took place last month, but since that he had found out the results for their preferred time:

- 7pm – 4 committee members in favour
- 6pm – 5 committee members in favour
- 5pm – 7 committee members in favour

Councillor Cuthbertson stated that the way it was presented alluded to the majority of members being in favour of a 5pm start time, whilst in fact it was only 43% of members that was in favour and not the general consensus of the committee. The member felt that this committee was somehow misled on this and should be put on hold and revisited again. He felt that the next meeting in September should remain at a 7pm start time until this is resolved.

The Chair said that he disagreed with the member as the majority view was for a 5pm start time. He said that we were not going to get a view accurately balanced given the numbers of this committee and that was why the survey was carried out to see what the majority wanted, the majority was 7 which was nearly 50% and felt that time was being wasted on this and this matter was not being opened up again and that was his final decision.

Councillor Cuthbertson stated that the figures were not presented to neither of the two meetings.

Councillor Robinson concurred with Councillor Cuthbertson in that the figures were not presented to either of the two meetings. He advised that it was stated at the full Council meeting that the majority had voted for 5pm, this was untrue as the majority did not vote for 5pm, there were 9 members who voted for the other two times.

Councillor Mallaghan advised that the 9 members did not vote for the other two times, 4 voted for 7pm, 5 voted for 6pm and 7 voted for 5pm, so therefore most members voted for 5pm. The member stated that this was proposed and seconded and went through our minutes which was adopted at the full Council meeting in July, so the decision has already been made.

The Chair advised that he also had indicated that this could be reviewed after 3 or 4 months and in his view the meeting should have been enacted tonight but it was unsure whether the issue had to go to the P&R committee or not. The survey was carried out and the majority of the respondents replied and in his view 7 is more than 4 or 5 and this is the way it is.

Councillor Black said that he respected the Chair's position to have the final say but felt that Councillor Cuthbertson had made a valid point as it wasn't the majority of the committee that voted for the 5pm start time and whether it be now or at a future date, he felt the easiest way to resolve this is rather than have three options, that we have two options, then it would be clear to see what the majority of the committee vote for. The member felt that the outcome of 43% isn't entirely accurate on the general consensus of the committee and lean towards to having it reviewed, but if this direction of travel is not being considered, felt that it should be narrowed down to two options in the future to avoid this happening again.

The Chair in conclusion on this matter advised that today there was a note issued from PCSP with four preferred times for a start time for meetings and when a clear preferred option has been made, would members be requested to do it again for a second time to facilitate the other two or three. He stated that the decision has been made which can be reviewed at a later date.

Councillor Cuthbertson proposed to make a vote again.

Councillor Mallaghan advised that a decision has been made by committee and cannot be reviewed for 6 months which was evident within the standing orders.

The Chair concluded the discussion closed.

Live broadcast ended at 9.50 pm.

Local Government (NI) Act 2014 – Confidential Business

Proposed by Councillor Clarke
Seconded by Councillor Mallaghan 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 P086/23 to P088/23.

Matters for Decision

Matters for Information

P086/23 Confidential Minutes of Planning Committee held on 4 July 2023

P087/23 Enforcement Cases Opened

P088/23 Enforcement Cases Closed

P089/23 Duration of Meeting

The meeting was called for 7 pm and concluded at 9.52 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, Magherafelt 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: 1 August 2023

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

Chairs Business –

ITEM	INFORMATION RECEIVED	ACTION REQUIRED
5.5	Additional agricultural information	Members to note
6.1	Letters of support for Francie Molloy MP and Keith Buchanan MLA, decision for Creagh Concrete	Members to note
6.4	Correspondence from Keith Buchanan MLA	Members to note
6.8	Correspondence from Francie Molloy MP	Members to note

Minutes of Meeting of Planning Committee of Mid Ulster District Council held on Tuesday 5 September 2023 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, McFlynn (5.16 pm), D McPeake*, Robinson (5.05 pm), Varsani

Officers in Attendance

Dr Boomer, Service Director of Planning (SD: PI)
Ms Donnelly, Council Solicitor
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)**
Miss Thompson, Democratic Services Officer

Others in Attendance

Councillors Bell*** and Milne***

LA09/2022/1131/F	Mr Ross***
LA09/2023/0478/RM	Mr Close***
	Mr Finlay
LA09/2021/1531/O	Mr Cassidy***
LA09/2022/0230/O	Mr Cassidy***
LA09/2022/1697/O	Mr Cassidy***
LA09/2022/1761/F	Mr Cassidy***

* 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 5.01 pm

P090/23 Notice of Recording

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

P091/23 Apologies

None.

P092/23 Declarations of Interest

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

Councillor Buchanan declared an interested in agenda item 5.19 – LA09/2023/0661/F.

Councillor Kerr declared an interest in agenda item 5.18 – LA09/2023/0618/RM.

P093/23 Chair's Business

The Service Director of Planning (SD: PI) drew Members attention to an appeal decision as circulated with addendum in relation to canteen and first aid facilities, adjacent to 18 Cookstown Road Dungannon. The SD: PI highlighted that the appeal failed in line with Council decision on the application.

Councillor Robinson entered the meeting at 5.05 pm and Councillor Black entered the meeting at 5.06 pm.

The SD: PI referred to late request for speaking in relation to agenda item 5.10 - LA09/2023/0118/O and stated that he had been speaking to the agent prior to the meeting and offered an office meeting in relation to the application.

The SD: PI also 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 –

Agenda Item 5.8 – LA09/2022/1458/F - Farm Dwelling & Garage at approx 30m S of 4 Killyneese Road, Castledawson for Mr B McKenna

Agenda Item 5.11 – LA09/2023/0206/O - Dwelling and Garage at 30m S of 15 Craigs Road, Cookstown for Mrs Marissa McTeague.

Agenda Item 5.12 – LA09/2023/0268/O - Dwelling and Garage at lands 40m N of 182 Brackaville Road, Coalisland for Mr James Girvin.

Agenda Item 5.13 – LA09/2023/0405/O - Farm dwelling & domestic garage at lands 170m S of 82 Bancran Road, Draperstown for Aidan Coyle.

Agenda Item 5.16 - LA09/2023/0580/F - Removal of Conditions 7 & 8 of approved LA09/2023/0022/O at 25m NW of 56 Cavey Road, Ballygawley for Mr Niall McCartan.

The Chair, Councillor S McPeake referred to agenda item 5.4 - LA09/2022/1098/O and that there is no agent noted for the application. The Chair advised that a Councillor had spoken to him today regarding this application and that the applicant hopes to engage an architect for a deferral meeting if it was granted and asked that this be added to the list.

Proposed by Councillor Varsani
Seconded by Councillor McConnell and

Resolved That the planning applications listed above be deferred for an office meeting / further consideration.

Matters for Decision

P094/23 Planning Applications for Determination

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

LA09/2018/1504/F Free range hen house (layers) Max 16000 birds with 2 meal bins and litter shed at lands 95m SW of 50 Loughans Road, Goland, Ballygawley for Mr Finbarr Boyle & Ms Roisin McClean

Members considered previously circulated report on planning application LA09/2018/1504/F which had a recommendation for approval.

Mr Marrion (SPO) highlighted that the conditions for approval which were omitted from the planning papers were included within the addendum.

Proposed by Councillor Robinson
Seconded by Councillor McElvogue and

Resolved That planning application LA09/2018/1504/F be approved subject to conditions as per the addendum.

LA09/2021/1511/F Windrow composting facility (recycling of specified green waste for the purpose of producing saleable compost) at 650m NE of 51 Creagh Road, Toomebridge for John Kealey

Members considered previously circulated report on planning application LA09/2021/1511/F which had a recommendation for approval.

Proposed by Councillor D McPeake
Seconded by Councillor Clarke and

Resolved That planning application LA09/2021/1511/F be approved subject to conditions as per the officer's report.

LA09/2022/0257/F **Retrospective extension to farmyard & change of use and extension to farm pen structures to provide storage of construction and decorative stone for sale and distribution at 100m SW of 170 Orritor Road, Cookstown for Thomas Gourley**

Members considered previously circulated report on planning application LA09/2022/0257/F which had a recommendation for approval.

Proposed by Councillor Clarke
Seconded by Councillor Mallaghan and

Resolved That planning application LA09/2022/0257/F be approved subject to conditions as per the officer's report.

LA09/2022/1098/O **Dwelling & detached double garage at Aneeter Beg, 50m S of 90 Aneeter Road, Moortown, Coagh for Miss Rachael Devlin**

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

LA09/2022/1099/O **Infill dwelling at lands between 29 and 31 Moneysallin Road, Kilrea for Donal Madden**

Members considered previously circulated report on planning application LA09/2022/1099/O which had a recommendation for approval.

Proposed by Councillor D McPeake
Seconded by Councillor Clarke and

Resolved That planning application LA09/2022/1099/O be approved subject to conditions as per the officer's report.

LA09/2022/1131/F **Farm diversification scheme to include farm shop, milk vending machine and associated ancillary works at 85m SE of Knockaconny House, 37 Sandholes Road, Cookstown for IT RS Mayne**

The Head of Local Planning (HLP) presented a report on planning application LA09/2022/1131/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 Ross to address the committee.

Mr Ross stated that farming is an essential way of life in this country but that it is also a tough business and that farming families are under many pressures. Mr Ross stated that diversification is an important way to sustain farming and rural communities and that there is a policy in place to encourage farm diversification. Mr Ross stated that a diversification scheme needs to focus on the existing attributes of a farm and in this case an important strength is location and it was advised that the farm is beside a large industrial area and busy road. Mr Ross stated that the

temporary hot food sales at the roadside has been popular and is tied in with the farm business. Mr Ross also referred to the increased desire to get fresh produce direct from a farm and there is opportunity for farm shops around the countryside, he stated however that this is also not an easy business and that such facilities need to be both accessible and visible. Mr Ross stated that health and safety is also a big issue and that, in this case, this is a busy dairy farm and it would not be appropriate to encourage visitors into the midst of the farmyard. Mr Ross referred to the planning report and that Members were being asked to consider if the shop will integrate with the farmyard, he stated that the farm is immediately beside the cement factory and that the farm houses and yard sit on a slightly elevated area of a land about 100m from the road. It was advised that the application site is on lower land at the roadside and that it is essential for this farm business to be at the roadside. In terms of integration, Mr Ross stated that the key views from the roadside are the most important consideration and that undoubtedly there is a strong visual linkage when seen from the roadside and that the farm shop which is of a modest scale will read together with the farm buildings and that overall it is felt the proposal will integrate well as there is a backdrop of the farm buildings on the crest of the hill. Mr Ross encouraged Members to support this farm diversification scheme.

The Service Director of Planning (SD: PI) referred to the existing permission which was for a temporary building that had been approved during Covid and asked when the permission ran out for that building.

Councillor McFlynn entered the meeting at 7.16 pm.

Mr Ross stated this was correct and was a determining factor at the time that application was considered.

The Head of Local Planning (HLP) advised that the temporary permission expires on 9 June 2024.

The SD: PI stated that the application makes no reference to the temporary nature of the permission and that the building is shown as if it was permanent. The SD: PI stated that an argument was put but no evidence was submitted that the application could not go next to the dairy herd but stated this was not true and referred to example of ice cream parlour which opened right next to where the dairy herd is and that this example integrates well. The SD: PI stated that more evidence was needed as to why the application cannot integrate.

The HLP advised that there is a supporting statement which advises that all buildings on the farm are currently used.

The SD: PI asked if anything had been received DAERA Veterinary Service.

The HLP advised that information was not requested.

The SD: PI stated at the moment there was no evidence to support why the application can't integrate within the farm. The SD: PI stated that the way the application has been presented is not the solution but that he felt there could be a solution and suggested that an office meeting be held to discuss the application further.

Mr Ross stated that, for clarification, there are instances where a business can operate in the farmyard but that in this case due to the character of the farmyard there are a number of old and small buildings and the area is very tight and difficult to manoeuvre around.

The SD: PI stated that those matters could be looked at and that he had suggested an office meeting be held to explore the application.

Councillor Black asked if a site meeting would be beneficial to look at some of the points raised by the agent.

The SD: PI stated that the purpose of the office meeting would be to discuss why the application cannot go next to the existing buildings and it would be wisest to have this in the first instance and that a site meeting could be considered later in the process if required.

Proposed by Councillor Black
Seconded by Councillor S McPeake and

Resolved That planning application LA09/2022/1131/F be deferred for an office meeting.

LA09/2022/1290/F **Change of use from milk processing plant to indoor play area with associated car parking at Unit E1, Fivemiletown Creamery, 14 Ballylurgan Road, Fivemiletown for Barrie McWhinney**

Members considered previously circulated report on planning application LA09/2022/1290/F which had a recommendation for approval.

Proposed by Councillor Robinson
Seconded by Councillor McConnell and

Resolved That planning application LA09/2022/1290/F be approved subject to conditions as per the officer's report.

LA09/2022/1458/F **Farm Dwelling & Garage at approx 30m S of 4 Killyneese Road, Castledawson for Mr B McKenna**

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

LA09/2022/1776/F **Replacement dwelling and associated site works at lands 70m SW of 54 Sixtowns Road, Draperstown for Mr & Mrs Michael & Maria McAlister**

Members considered previously circulated report on planning application LA09/2022/1776/F which had a recommendation for approval.

Proposed by Councillor D McPeake
Seconded by Councillor Clarke and

Resolved That planning application LA09/2022/1776/F be approved subject to conditions as per the officer's report.

LA09/2023/0118/O **Site for dwelling and domestic garage at lands approx 60m NW of 61 Sherrigrim Road, Stewartstown, Dungannon for Mr Miller Glendinning**

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

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

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

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

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

LA09/2023/0405/O **Farm dwelling & domestic garage at lands 170m S of 82 Bancran Road, Draperstown for Aidan Coyle**

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

LA09/2023/0478/RM **Dwelling and garage at 60m NW of 55 Annaghmore Road, Castledawson for Alvin McMullan Esq**

The Head of Local Planning (HLP) presented a report on planning application LA09/2023/0478/RM advising that it was recommended for approval.

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

Mr Close stated that his objection to this application was based on opinion that the previous outline approval granted was not valid, specifically when presented to Committee for consideration the application had not followed the appropriate procedures as laid out in Section 8 of the Planning Order 2015 which details the requirement for notification of neighbours. During the planning process for the outline application Mr Close stated he was in contact with the planning officer at that time and advised him on 1 March 2023 that he had not notified the occupants of 55a Annaghmore Road, who were now living in situ having previously advised him in 2022 that the site was missing from the plans. Mr Close stated that the plan was then subsequently updated by the agent to include the site of 55a which was under construction at the time but that in March he had advised that the building was occupied. Mr Close stated that Development Notice 14 provides practical guidance on the serving of Neighbourhood Notice and that the document highlights the importance of notification of supplementary evidence such as that which was received in February 2023 pertaining to the application and that as all neighbours did not receive notification he suggested that the Planning Committee's decision had not followed due process.

Mr Close stated that the application under consideration tonight is made possible due to the construction of 55a under a planning application in 2015 as it set a precedent and allowed clustering amongst other things however the permission of 55a was granted only when the Planning Committee overturned the recommendation of the planning officer to refuse the application. Mr Close stated that planners at the time noted that rural character was being eroded and there was no visual link to a community focal point among other issues. At the meeting of the Planning Committee on 6 November 2018, Mr Close stated that the agent for the application stated that the property was for a son to live beside his parents and it would not intrude on other buildings and consequently the Planning Committee overturned the recommendation to refuse the application. Mr Close stated that the site was subsequently placed on the open market. Mr Close stated that the decision to grant permission against the recommendation of the planning officer as suburbanisation had commenced was something foreseen by the planning officer in 2014 when they refused another application within the same field and that in their view they had felt it was reasonable to assume that it was the applicants intention to set a precedent for the erection of further dwellings to the rear of the two previously approved, Mr Close stated that this has come to pass and the erosion of the rural character is almost complete. Mr Close requested that the Planning Committee see that process has not been followed regarding Neighbour Notification and that the previous approval is flawed.

The Service Director of Planning (SD: PI) asked did Mr Close object to the outline application in 2018.

Mr Close stated he did not object as he was not a resident in the area at the time.

The SD: PI asked when the outline application was granted.

The Head of Local Planning (HLP) advised that the outline application was granted in April 2023.

The SD: PI referred to the reference to 2018.

Mr Close stated that his reference to 2018 related to another site which was passed on the same piece of land which was recommended for refusal by the planning officer at the time and overturned to the Planning Committee and it was the construction of this application which became the basis for this application.

The SD: PI stated that whether Members overturned a recommendation or not the 2018 application was approved and he was unaware of it being challenged within the three months therefore the permission stands and that the house is built. The SD: PI stated that in April 2023 the outline permission was granted and that the objection related to Mr Close not being consulted.

Mr Close stated that he, along with a number of other neighbouring properties, objected to the outline application. Mr Close stated at that time he flagged that all neighbours had not been notified of the application.

The SD: PI stated that in relation to the outline application Mr Close objected and this was considered. In relation to Neighbour Notification he highlighted that the outline

application was approved in April 2023 and that it was now September which is outside of the Judicial Review period and therefore the decision would stand even if there was an error. The SD: PI asked if there were occupiers of the property adjacent who were not notified.

The HLP advised that she had discussed the outline application which was approved with the case officer and that they were content that the dwelling was under construction but was not occupied at the time of their site visit.

Mr Close stated that he spoke to the planning officer in March 2023 following updated information being received from the agent and that he advised again that there had not been notification to 55a which was now occupied at that time.

The SD: PI stated that when the consultation was conducted there were no occupants of 55a and that no challenge was received from 55a therefore the decision is made and the only way to revisit it is to revoke the application and that given what had been said tonight he felt there is no reason to do so.

Mr Finlay stated he was happy with the recommendation to approve the application and in view of what he had heard from the objector it should be noted he was objecting on behalf of 55a which is the new house which is just completed. Mr Finlay stated that when the outline application was submitted the dwelling at 55a was not occupied and he could provide evidence from the builder and residents in relation to this. Mr Finlay stated he had no issue with the outline application as granted and the planning recommendation before Members tonight.

The SD: PI asked if the occupier of 55a has ever raised an objection.

Mr Finlay stated that no objection to either application had been made.

Mr Close stated he wanted to correct a point raised by Mr Finlay in that at no point had he objected on behalf of 55a and that at no point had his correspondence been anything other than the address where he lives. Mr Close stated he does not claim to speak for 55a and does not object on their behalf but that he was merely observing that notification had not been sent to all. Mr Close stated that at the time the outline application was submitted 55a was not occupied but as this application progressed and additional information came to light the house did become occupied and planning officers were made aware of this. Mr Close reiterated that he did not claim to be 55a, speak on their behalf or reside there.

The SD: PI stated that legally occupiers need to be consulted and that there is a claim that at the consultation stage the dwelling at 55a was not occupied but became occupied just before a decision on the outline application was taken. The SD: PI stated that the only person prejudiced is the occupier of 55a.

Mr Finlay stated that the occupants of 55a are happy with the prospect of neighbours.

The SD: PI asked if the occupiers of 55a had been notified of this application.

The HLP stated that 55 and 53a had been consulted but she did not see 55a as being consulted.

The SD: PI stated that the outline planning permission appears to be legal and the timeframe for challenge has passed. The SD: PI stated that if 55a is now occupied and is adjacent to the application they should receive notification and therefore suggested that the application be deferred to ensure notification takes place.

Mr Finlay stated that when the Reserved Matters application was submitted 55a was not in occupation but has been subsequently occupied. Mr Finlay advised that the Completion Certificate from Building Control has not yet been issued so the dwelling is technically not complete.

The SD: PI stated that if the dwelling at 55a is now occupied then Neighbour Notification should be received by the occupiers.

Proposed by Councillor S McPeake
Seconded by Councillor Kerr and

Resolved That planning application LA09/2023/0478/RM be deferred for Neighbour Notification of 55a Annaghmore Road, Castledawson.

LA09/2023/0573/F **Retention of existing playing field with proposed spectator's stand and floodlighting at Mullaghmoyle Park, Mullaghmoyle Road, Stewartstown for Mr Paddy Parks**

Members considered previously circulated report on planning application LA09/2023/0573/F which had a recommendation for approval.

Proposed by Councillor Kerr
Seconded by Councillor Carney and

Resolved That planning application LA09/2023/0573/F be approved subject to conditions as per the officer's report.

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

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

LA09/2023/0592/F **Off-site replacement dwelling and garage at Adjacent and South of No 5 Legane Road, Aughnacloy for Mr & Mrs Chris Potter**

Mr Marrion (SPO) presented a report on planning application LA09/2023/0592/F advising that it was recommended for refusal.

Councillor Cuthbertson asked when the last contact was with the applicant in relation to providing and amended plans.

Mr Marrion advised that the applicants were asked to revise their plans on 27 June and came back to state that they wanted the application considered based on what was submitted.

The SD: PI suggested that the application be held for one month and that officers write to the applicant to state that the application was brought before Committee tonight and it was noted that it does not meet policy and that a further opportunity was being given to submit amended plans.

Proposed by Councillor Cuthbertson
Seconded by Councillor Black and

Resolved That planning application LA09/2023/0592/F be deferred for one month for submission of amended plans.

LA09/2023/0618/RM **Dwelling and garage at land at Tullaghmore Road, Roughan Road Cross Roads opposite and 30m S of 57 Tullaghmore Road, Dungannon for Mr and Mrs Jamie Allen**

Members considered previously circulated report on planning application LA09/2023/0618/RM which had a recommendation for approval.

Proposed by Councillor McFlynn
Seconded by Councillor Robinson and

Resolved That planning application LA09/2023/0618/RM be approved subject to conditions as per the officer's report.

LA09/2023/0661/F **Replacement dwelling and garage at 10 Drummond Road, Cookstown for Mr Jonathan Buchanan**

Members considered previously circulated report on planning application LA09/2023/0661/F which had a recommendation for approval.

Proposed by Councillor Cuthbertson
Seconded by Councillor Black and

Resolved That planning application LA09/2023/0661/F be approved subject to conditions as per the officer's report.

LA09/2021/0934/O **Dwelling & garage at approx 130m W of 16 Carnose Road, Moneymore for Gregory McGovern**

Application withdrawn.

The Head of Local Planning (HLP) presented a report on planning application LA09/2021/1531/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 the applicant has a herd number and has been active since 2017, a current herd list has been submitted along with receipts showing activity on the ground. Mr Cassidy referred to the building on site which has been referred to as a temporary structure and referred to Google Earth imagery which shows the building on site prior to 2017. It was advised that the building itself is made up of BT poles and is clad in tin and timber, inside there is a cattle crush and gates and is not moveable and has been in situ for the five years required. Mr Cassidy stated that there are buildings on the Ruskey Road which are inside the settlement limits and the natural rounding off is the Ruskey Road itself and not this field as you could not differentiate where the settlement limits of The Loup are. Mr Cassidy referred to similar site at Orritor where the application site was adjacent to the settlement limits and the Planning Committee decided that whilst that site was on the development limits, it was more rounding off. Mr Cassidy stated that the three matters have been given consideration and that there is merit to approve the application.

The Service Director of Planning (SD: PI) stated that to be rounding off you need to have the buildings of the settlement limits against it and that this particular site is divorced from settlement limits of The Loup so is clearly not rounding off. The SD: PI asked if there is a map which shows the farm and its buildings.

The Head of Local Planning (HLP) advised that the farm is just slightly larger than the red line shown to Members on the powerpoint and extends the full length of the field to the North and South. The HLP advised that the structure is roughly to the middle of the field at the back.

The SD: PI asked if DAERA had provided a farm classification.

The HLP stated that DAERA have advised that a business id was given in 2017, it is a category 3 business meaning it does not claim any payments and that lands are not being claimed by the farm business.

The SD: PI stated it appears to be what is known as a hobby farm. The SD: PI referred to the shelter on the site and asked if it has any recognition in terms of planning.

The HLP advised there was no Certificate of Lawfulness for the shelter.

The SD: PI asked if the shelter was one building or a number of buildings.

The HLP advised that it is one shelter with a dividing tin wall and an open frontage.

The SD: PI stated it is accepted that farmers can put up shelters which can be moved around and are not buildings on the farm as such. The SD: PI questioned if the application was worthy of treating as an exception and felt that if this was a fully working farm then it may be possible to make an exception but that as this is a hobby farm he did not feel it was suffice to make an exception particularly as what they are referring to as a building on the farm is not recognised by planning.

Mr Cassidy stated that the ground has been in the McVey family ownership for generations and has not just been bought. He also clarified that it is not a hobby farm as there are cattle and have been for a number of years. The structure is not moveable.

The SD: PI asked how big the farm is.

The HLP advised that the farm is 0.43 hectares. The HLP referred to the herd number which was allocated in 2017 and that this has been confirmed however the supporting information submitted with the speaking request only goes back to 2020 and that there are no receipts on file as referred to by Mr Cassidy.

The SD: PI stated there was no reason to dispute that there may have previously been a bigger farm but that you cannot simply subdivide. In terms of the land area of the farm he did not believe this could provide for a herd of cattle.

Councillor McFlynn stated she lived close to this site and passed it regularly and that she believed rural character could be maintained if the house was positioned close to hedge at the entrance of the field rather than further up the field. Councillor McFlynn asked that consideration also be given to the fact that Mr McVey's two sons live just over the hedge and if this could be considered as linkages to the farm. Councillor McFlynn stated she had also seen cattle using the shelter in the field at times.

The SD: PI stated that the fundamental question is does the application meet the policy and that the Councillor has alluded to something that the Committee have not been told yet which is that the field has been sectioned off from a bigger farm of the McVey family and he assumed that the McVey family have already got a house for one of the sons.

Mr Cassidy referred to a map shown which shows the totality of the land at that time. Mr Cassidy stated that the land has not been subdivided and that there is no other land and the two sites referred to by Councillor McFlynn were purchased.

The HLP advised that the date on the map shown is 1 April 2018. The HLP advised that the farm business was established in 2017 but that there is no information to show that it is currently active, there are no payments being made by DAERA and officers did not have the receipts being referred to by Mr Cassidy.

The Chair, Councillor S McPeake proposed that a site meeting be held along with getting clarity on the maps and imagery.

The SD: PI stated that if this was a fully operational farm which had the buildings it could probably be accepted, the issue is the point of principle.

The Chair, Councillor S McPeake asked if it is the six year rule or the absence of more information as he was unsure what is being asked.

The HLP advised that criteria A of CTY10 requires that a farm is currently active and established for six years. The HLP stated there was information in terms of a herd number however she had not witnessed any cattle on the site yesterday and was not convinced that criteria A of the policy is being met. The HLP stated that she was also not convinced in there being a group of buildings on the farm and therefore criteria C of the policy is not being met.

Councillor Clarke stated that the size of the piece of ground being referred to would not support a herd of cattle but that there are plenty of people who are farming land which they don't own and who is to say there is not other land being rented in this case. Councillor Clarke seconded Councillor S McPeake's proposal.

The SD: PI asked if there was any land being taken in conacre by the applicant.

Mr Cassidy stated it was his understanding that there is land being taken in conacre not far from the site.

The SD: PI asked why this information was not provided.

Mr Cassidy stated he was dealing with the land the applicant owned.

Councillor McFlynn stated that the applicant is from a farming background that a herd number was established in 2017 and there is evidence of cattle from 2020. The Councillor felt that the site is just within the settlement of The Loup and that the application would not take away from rural character.

The HLP stated that the site is outside the settlement limit as shown on the map to Members.

The SD: PI asked if the applicant owns the whole field up to the settlement limit and that they have picked a site in the middle of the field or if this was two fields.

The HLP advised that this is one field and that the portion of the field between the application site and the settlement limits had been put in blue land by the agent and had been excluded because it would have caused issues with CTY15.

The SD: PI suggested that the application be deferred for submission of further information in relation to ownership of lands and what land is taken in conacre and evidence of same.

Proposed by Councillor S McPeake
Seconded by Councillor McFlynn and

Resolved That planning application LA09/2021/1531/O be deferred for submission of additional information.

LA09/2021/1568/F Retention of shed and yard for the manufacturing and sales of hydraulic hoses and other ancillary farm machinery products (farm diversification development) (amended description) at 95m SE of 133 Bush Road, Coalisland for Adrian McCann

Members considered previously circulated report on planning application LA09/2021/1568/F which had a recommendation for approval.

Proposed by Councillor Carney
Seconded by Councillor McFlynn and

Resolved That planning application LA09/2021/1568/F be approved subject to conditions as per the officer's report.

LA09/2021/1651/O Dwelling (revised land ownership certificate) at lands to the W of 69 Derrylaughan Road, Coalisland, Dungannon for Pamela Quinn

Members considered previously circulated report on planning application LA09/2021/1651/O which had a recommendation for approval.

Proposed by Councillor Carney
Seconded by Councillor Kerr and

Resolved That planning application LA09/2021/1651/O be approved subject to conditions as per the officer's report.

LA09/2022/0230/O Site for dwelling and garage at lands approx. 30m SE of 99 Mullaghboy Road, Bellaghy for Mr Hugh Glackin

The Head of Local Planning (HLP) presented a report on planning application LA09/2022/0230/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 this application was submitted by Hugh Glackin and that the previous application was submitted by Hugh's mother and is an important consideration. The application submitted by Hugh's mother was recommended for approval and all documentation supporting farm activity were submitted at the time. Mr Cassidy advised that Mrs Glackin died and that her application was withdrawn, the farm business id was also closed. Mr Cassidy highlighted that when a farm business owner dies the farm business id dies with them and the new number was issued to Mrs Glackin's son Hugh in October 2022. Mr Glackin submitted his application on the same site as what was previously submitted along with the same receipts to show activity over the past six years. Mr Cassidy stated that the farm has been in the Glackin ownership for generations and that the applicant currently lives in Castledawson with no ground around his current house. Mr Cassidy stated that the buildings around the farm were left to the applicant's brother and that there are no buildings on the applicant's farm. Mr Cassidy stated that this was an unusual

case and that policy refers to exceptional cases which he felt this is. With regard to siting, Mr Cassidy referred to application considered by Antrim and Newtownabbey Council which was a similar scenario and that they felt that application was within the spirit of the policy and added no weight to ribboning. Mr Cassidy stated this was a unique case and that it would be unfair to refuse this application.

The SD: PI asked if there was any reason not to believe the land had been transferred to the son, the applicant.

The Head of Local Planning (HLP) stated there were no concerns in that regard that she was aware of and that the maps submitted with the mother's application area identical to the maps for this application.

The SD: PI stated that if the applicant was asked to provide a solicitor's letter stating that the land had been inherited by the applicant this should be able to be provided and it would therefore be reasonable to allow an exception to the six year rule. The SD: PI asked if there were two houses next to the site and another building being used commercially.

The HLP advised that the commercial building is being used by an electric business.

The SD: PI asked who is running the electric's business.

Mr Cassidy stated it would be a nephew of the applicant. Mr Cassidy stated that the map should not include these buildings within the blue line.

The SD: PI stated that it is very important that the information being assessed is correct and that if the Planning Committee make a decision based on incorrect information then the decision can be quashed. The SD: PI stated that in addition to the solicitor's letter an updated map should also be provided which represents what the farm is. The SD: PI asked who lives in the two houses.

Mr Cassidy advised that the applicant's brother and nephew live in the two houses.

The SD: PI stated he had provided a way forward for the application.

Proposed by Councillor S McPeake
Seconded by Councillor Varsani and

Resolved That planning application LA09/2022/0230/O be deferred to allow for submission of further information.

LA09/2022/0651/F **Change of house type and garage with all associated landscaping and site works (substitution for M/2013/0341/F & LA09/2015/0595/F at lands approx. 70m SW of 6 Goland Road, Ballygawley for Darragh McAnenly & Caoimhe Glass**

Members considered previously circulated report on planning application LA09/2022/0651/F which had a recommendation for approval.

Proposed by Councillor McConnell
Seconded by Councillor McFlynn and

Resolved That planning application LA09/2022/0651/F be approved subject to conditions as per the officer's report.

LA09/2022/0689/O Dwelling on a farm at Proposed site 350m W of 5 Corick Road, Clogher for Mr Edwin Boyd

Members considered previously circulated report on planning application LA09/2022/0689/O which had a recommendation for approval.

Proposed by Councillor Robinson
Seconded by Councillor McElvogue and

Resolved That planning application LA09/2022/0689/O be approved subject to conditions as per the officer's report.

LA09/2022/1697/O Dwelling and garage at 60m NE of 11 Creagh Hill, Castledawson for Mrs Anne McGrogan

The Head of Local Planning (HLP) presented a report on planning application LA09/2022/1697/O advising that it was recommended for refusal.

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

Mr Cassidy stated that this application is situated outside of a farm, consists of at least four dwellings, that there is a focal point and a cluster of development. The two points of contention relate to the degree of integration and whether it is bounded on two sides by development. Mr Cassidy stated that the site avails of two mature boundaries, one abutting the roadway and one abutting the neighbouring house and that these will be retained if an approval is allowed. Mr Cassidy stated that the site is approximately 1m below the road and is of a low profile and that both measures will provide a suitable degree of integration. In terms of the site being bounded by development on both sides Mr Cassidy stated it is important to look at the approval on the adjacent site which is under construction and is development on one side and that there is development to the front of the site. Mr Cassidy stated that planning appeals and this Council have been clear in relation to clustering and that if five of the tests are being met it is acceptable and in this case five if not six of the tests are being met and that he felt it is a good opportunity to approve and round off development.

The Service Director of Planning (SD: PI) stated that the policy is clear and sets out that the six tests need to be met however there may sometimes be a reason to treat something as an exception. The SD: PI stated this does not mean that meeting five of the six tests is ok as this would be rewriting policy and if a decision was made on that basis it could be quashed. The SD: PI stated that in this case there are clearly a number of buildings and asked if there is a focal point.

The Head of Local Planning (HLP) advised that there is a focal point which is slightly removed from the application site namely the Thatch Inn.

The SD: PI asked if that focal point is part of the cluster and when pointed out on the map he felt that it would be and could be taken as a single entity. The SD: PI referred to the permission on the adjacent side and asked if this is being built.

The HLP advised she had visited the site today and that foundations have been laid.

The SD: PI stated that the way be policy works is that the building has to be there and not just a permission. The SD: PI asked if it looked like the building work is going to continue on that site.

The HLP stated that it appeared building works would continue on the site.

The SD: PI suggested it would be reasonable to defer this application for two months to allow building work on the adjacent site to continue and he would then be happy with the argument that there was development on two sides.

Proposed by Councillor S McPeake
Seconded by Councillor McFlynn and

Resolved That planning application LA09/2022/1697/O be deferred for two months.

LA09/2022/1761/F Sites for 2 dwellings and domestic garages at 90m NW of 28 Mawillian Road, Moneymore for Mr Paddy Campbell

The Head of Local Planning (HLP) presented a report on planning application LA09/2022/1761/F advising that it was recommended for refusal.

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

Mr Cassidy referred to planning appeal for building in Swatragh which was half the size of the building considered in this application.

The SD: PI stated that the building Mr Cassidy was referring to had a planning permission and that it was recognised as a building. On the case referred to no issue was taken with change to rural character so the planning appeal commissioner allowed it. The SD: PI stated there are lots of other cases where similar structures have not been accepted as being a building. The SD: PI asked if the structure under consideration for this application has a Certificate of Lawful Development or a planning permission.

Mr Cassidy stated that the building that is there was asked by DARD to be constructed because the applicant needed a herd number. Mr Cassidy stated there are records from seven years ago of DARD going out to inspect the structure and that it had been requested by them that a concrete floor be put into the structure seven years ago. Mr Cassidy stated that policy does not ask for visual linkage but

rather that it visually links or has a common frontage. Mr Cassidy stated that the building has a common frontage and it bookends the two buildings under construction. Mr Cassidy stated that the gap only has room for two buildings and therefore meets policy. Mr Cassidy stated that he felt this is a good opportunity to put two houses into a gap site and asked Members to approve the application.

The SD: PI stated there are two tests – one is the structure a building recognised by planning and the other would it change rural character and on looking at the woodland next to the structure it would strike him that the rural character would not change. The SD: PI asked if the planning officer had raised any concern in relation to rural character.

The HLP advised that the planning officer felt that the proposal would be contrary to policy CTY14 in that the dwellings, if permitted, would add to a ribbon of development and would result in a detrimental change to rural character of the countryside.

The Chair, Councillor S McPeake felt that the interpretation of rural character can be different things to different people and that a site meeting on this application would be useful.

The SD: PI stated that this would be a reasonable way forward but it would also require planning permission or Certificate of Lawful Development for the structure.

Proposed by Councillor Clarke
Seconded by Councillor McFlynn and

Resolved That planning application LA09/2022/1761/F be deferred for a site meeting and submission of Certificate of Lawful Development.

LA09/2023/0076/O **Infill dwelling and garage at land between 6 and 15
Dungororan Road, Dungannon for Miss Jessica
Brown**

Members considered previously circulated report on planning application LA09/2023/0076/O which had a recommendation for approval.

Proposed by Councillor Varsani
Seconded by Councillor McElvogue and

Resolved That planning application LA09/2023/0076/O be approved subject to conditions as per the officer's report.

LA09/2023/0232/O **Site for dwelling between 139 and 143 Drumagarner
Road, Kilrea for Mr Brian McCloskey**

Members considered previously circulated report on planning application LA09/2023/0232/O which had a recommendation for approval.

Proposed by Councillor D McPeake
Seconded by Councillor McFlynn and

Resolved That planning application LA09/2023/0232/O be approved subject to conditions as per the officer's report.

P095/23 Receive Report on DAERA Ammonia Call for Evidence

The Service Director of Planning (SD: PI) presented previously circulated report which sought Members approval in relation to response to DAERA that will contribute to the development and delivery of a scientifically robust Operational Protocol to protect the natural environment and ensure sustainable development for consideration by an incoming Minister and future Executive.

The Chair, Councillor S McPeake stated that he felt the response has been encapsulated well and that the tone is right in that DAERA and other regulatory bodies need to step up to the mark on such a technical issue.

Councillor Clarke stated that everyone is in a situation where there are targets and guidance set out and that the two agencies involved in this matter are not taking responsibility for what they are responsible for. The Councillor stated that NIEA and DAERA are the responsible bodies and they know what the targets and guidelines are and that he believed that the matter should be left with them and not Council.

Proposed by Councillor Clarke
Seconded by Councillor Kerr and

Resolved That the suggested response to the Call for Evidence is agreed as set out in the report and that the Service Director of Planning is delegated to finalise the wording of the response for submission.

Matters for Information

P096/23 Minutes of Planning Committee held on 1 August 2023

Proposed by Councillor Varsani
Seconded by Councillor McFlynn and

Resolved To note the minutes of Planning Committee held on 1 August 2023.

Councillor Cuthbertson left the meeting at 7.04 pm.

Live broadcast ended at 7.04 pm.

Local Government (NI) Act 2014 – Confidential Business

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 P097/23 to P100/23.

Matters for Information

- P097/23 Confidential Minutes of Planning Committee held on 1 August 2023
- P098/23 Enforcement Live Case List
- P099/23 Enforcement Cases Opened
- P100/23 Enforcement Cases Closed

P101/23 Duration of Meeting

The meeting was called for 5 pm and concluded at 7.05 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, Magherafelt 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: 5 September 2023

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

Chairs Business –

PAC Decision – Barry O’Neill, canteen and first aid facilities, adjacent to 18 Cookstown Road Dungannon

ITEM	INFORMATION RECEIVED	ACTION REQUIRED
5.1	Conditions to be attached to the decision	Members to note
6.5	Further information about the farm	Members to be advised about the assessment of the additional information
6.9	Further information submitted	Members to be advised about the assessment of the additional information

Minutes of Meeting of Policy and Resources Committee of Mid Ulster District Council held on Thursday 7 September 2023 in the Council Offices, Circular Road, Dungannon and by Virtual Means

Members Present

Councillor Corry, Chair

Councillors Bell*, Brown*, F Burton, J Burton (7.14 pm), Gildernew, Johnston*, McAleer, McLean*, McLernon*, S McPeake*, Molloy*, Totten*, Wilson

Officers in Attendance

Mrs Campbell, Strategic Director of Environment (SD: Environment)**
Mrs Canavan, Strategic Director of Organisation Development, Strategy and Performance (SD: ODSP)
Mr McGuckin, Head of Strategic Services and Engagement (HoSS&E)
Mr Moffett, Assistant Director of Organisation Development, Strategy and Performance (AD: ODSP)
Mr Lowry, Head of Technical Services (HoTS)
Mr O'Hagan, Head of IT (HoIT)
Ms McNally, Assistant Director of Legal, Governance and Transformation (AD: LGT)**
Mr Tohill, Strategic Director of Corporate Services & Finance (SD: CSF)
Mrs Grogan, Committee and Member Services Officer

Others in Attendance

Deputation: TinyLife
Ms Rebekah Corbett***

* 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.

PR134/23 Notice of Recording

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

PR135/23 Apologies

Councillors Cahoon and McFlynn.

Ms Dyson, Head of Human Resources.

PR136/23 Declarations of Interest

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

PR137/23 Chairs Business

None.

PR138/23 Deputation – Tiny Life

The Chair welcomed Ms Corbett from TinyLife to the meeting and invited her to address the committee.

Ms Corbett provided members with a brief update on the organisation and the impact of a neonatal stay (appendix).

She advised that 1,900 babies in Northern Ireland spend time in a neonatal unit each year – born too small, too sick or too soon. No additional parental leave entitlement is provided to parents when a baby is born premature or sick, with only two weeks of paternity leave given to fathers/non-birthing parents resulting in them having to return to work long before the child is well enough to return home. This is an impossible choice as it may be the case of returning to work too soon or take a financial hit to spend time with family at a stressful time.

Impact around work and mental health means that:

- Around 70% of families with a significant neonatal stay, at least one parent returned to work while their baby was still in hospital
- 91% of fathers who returned to work whilst their baby was in NICU struggled to concentrate at work
- 36% of fathers signed off sick in order to spend time with their baby on the neonatal unit
- 42% of Mums and 20% of Dads leave work altogether to become a full-time carer for their child or children
- 40% of parents experience anxiety and PTSD when their baby needs neonatal care – 25% are still affected a year after birth

Impact around family finances means that:

- 1 in 4 families had to borrow money or increase their debt because of their baby's neonatal stay
- More than half of families said their finances affected their ability to spend time with their baby

- At the start of 2022, the average additional cost of having a baby in neonatal care was around £405 per week – daily travel to and from neonatal units, high-cost food and drink, additional childcare costs and lost income of around £3,000 during the baby's stay

Neonatal Care (Leave & Pay) Act 2003

- Due to be implemented in GB in April 2025
- Entitles mothers and fathers up to 12 weeks of leave from work if their baby spends at least 1 week in a neonatal unit
- On top of maternity/paternity/adoption leave
- Leave must be paid at a statutory rate (currently £156.66 per week) – subject to minimum length of service and earning requirements
- Highly likely that when NI Executive is restored, Assembly will seek to implement same or similar provisions in NI

Benefits of voluntarily Implementing a neonatal leave policy:

- Ability to plan staff workloads – duration of neonatal leave in more predictable than unpaid leave and sick leave
- Improved staff retention
- Attracting new staff with family-friendly policies
- Improved staff performance

Ms Corbett concluded by asked that:

- Council consider proposing a motion to introduce paid neonatal leave
- Any new policy should follow GB Neonatal Care Act as closely as possible and then improve on it

Councillor J Burton entered the meeting at 7.14 pm.

The Chair thanked Ms Corbett for her impressive presentation and stated that it shows the impact that this has on families and workers when someone is going through such a traumatic period in their life. The Chair felt that it was unfair that many people may have to leave their work altogether and suffering anxiety about their finances or getting into debt and advised that it also shows the impact of the assembly being down and how once again we are being left behind. The Chair advised that Council members and Council will try and do what we can in Mid Ulster.

Councillor Wilson thanked Ms Corbett for her presentation. The member said that he was speaking as a Grandfather whose two youngest grandchildren were both born premature, one at 10 weeks and one at 5 weeks, the work TinyLife does to help and support the family is second to none and anything that this Council could do should be encouraged.

The Chair wished Ms Corbett all the best with her campaign going forward.

Ms Corbett withdrew from the meeting at 7.20 pm.

Matters for Decision

PR139/23 Annual Progress Return to the Equality Commission for 2022/2023

The Head of Strategic Services and Engagement (HoSSE) presented previously circulated report to seek members approval to accept the Annual Progress Report for the period 2022/2023.

The Chair thanked Officers involved in the preparation of the report as it was a very detailed report and something that we could be very proud of as a Council team in regards to equality. The member said that she had the pleasure of taking part in a lot of activities last year but one thing she felt was missing was the work, which was done on women, there were two very good events for International Women's Day and we also held our first Women's Health Day which staff found very useful and informative and asked if this could be also included.

Proposed by Councillor Corry
Seconded by Councillor McAleer and

Resolved That it be recommended to Council to approve the Annual Progress Report (2022-23) on the implementation and activity surrounding its Equality and Good Relations statutory duties.

PR140/23 Draft Response to TEO Provision of Free Period Products Public Consultation

The Head of Strategic Services and Engagement (HoSSE) presented previously circulated report to seek members approval of the draft consultation response developed on behalf of Mid Ulster District Council in response to the consultation on Provision of Free Period Products.

Councillor Gildernew said that she was happy to propose the recommendation but asked that rural community venues be included in the recommendations for the provision of free period products along with not-for-profit childcare settings due to the fact that they are predominantly a female workforce from the lowest paid sectors.

Proposed by Councillor Gildernew
Seconded by Councillor McLernon and

Resolved That it be recommended to Council that approval be granted for the draft response.

PR141/23 Request(s) to Illuminate Council Property

The Head of Strategic Services and Engagement (HoSSE) presented previously circulated report to seek members approval to illuminate and light up the Council's three designated properties to raise awareness for the following:

- Public Health Agency: Organ Donation Week
- SHSCT: Foster Care 'Children who wait'

- Age Friendly Communities: UN International Day of Older Persons (IDOP)
- Cancer Focus NI: Breast Cancer Awareness Month
- North West Migrants Forum: Black History Awareness & Show Racism the Red Card
- Out and About Community Transport: Celebrating 25 Years of Community Transport
- Action Mental Health & MU Libraries World Mental Health Day –
- NI Versus Arthritis: World Arthritis Day
- Parenting NI: Parenting Week
- Raising Awareness of Development Language Disorder (RADLD)
- Postural Orthostatic Tachycardia Syndrome (POTS) UK: Awareness Day
- Purple Tuesday: Promoting accessibility and inclusivity
- Diabetes UK NI: World Diabetes Day
- Disability Action NI: International Day of Disabled People
- The Encephalitis Society: World Encephalitis (Inflammation of the Brain) Day
- Leukaemia & Lymphoma NI (LLNI): 60th Anniversary of Leukaemia & Lymphoma NI

The HoSSE also sought members approval to include an additional request to light up the three buildings for Dyslexia Awareness Day on 8 October which had been received post the paper going out.

Councillor F Burton declared an interest in Community Transport.

Proposed by Councillor McLean
Seconded by Councillor F Burton and

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

- Public Health Agency: Organ Donation Week Monday 18 September 2023 Colour: Pink
- SHSCT: Foster Care ‘Children who wait’ Tuesday 26 September 2023 Colour: Yellow
- Age Friendly Communities: UN International Day of Older Persons (IDOP) Sunday 1 October 2023 Colour: Purple
- Cancer Focus NI: Breast Cancer Awareness Month – Monday 2 October 2023 Colour: Pink
- North West Migrants Forum: Black History Awareness & Show Racism the Red Card Tuesday 3 October 2023 Colour: Red
- Out and About Community Transport: Celebrating 25 Years of Community Transport Wednesday 4th October 2023 Colour Blue
- Action Mental Health & MU Libraries World Mental Health Day – Tuesday 10 October 2023 Colour: Purple
- NI Versus Arthritis: World Arthritis Day – Thursday 12 October 2023 Colour Blue
- Parenting NI: Parenting Week - Monday 16 October 2023 Colour: Purple

- Raising Awareness of Development Language Disorder (RADLD) Friday 20th October 2023 Colour: Purple
- Postural Orthostatic Tachycardia Syndrome (POTS) UK: Postural Orthostatic Tachycardia Syndrome (POTS) Awareness Day Wednesday 25 October 2023 Colour: Purple
- Purple Tuesday: Promoting accessibility and inclusivity – Purple Tuesday 7 November 2023 Colour: Purple
- Diabetes UK NI: World Diabetes Day – Tuesday 14 November 2023 Colour: Blue
- Disability Action NI: International Day of Disabled People – Sunday 3 December 2023 Colour: Purple
- The Encephalitis Society: World Encephalitis (Inflammation of the Brain) Day 22 February 2024 Colour: Red
- Leukaemia & Lymphoma NI (LLNI): 60th Anniversary of Leukaemia & Lymphoma NI Colour: Red
- International Dyslexia Awareness Day: Sunday 8 October 2023 - Colour: Turquoise

PR142/23 Civic Recognition Working Group August 2023

The Head of Strategic Services and Engagement (HoSSE) presented previously circulated report to provide the outworking's of the most recent Civic Recognition Working Group meetings held on 9th and 31st August 2023.

Councillor S McPeake advised that he was not on the group himself but by reading the report he felt it was a good piece of work and no issue with the recommendations and commended the group with the urgency put into it as they held two meetings within the month which was good work as something needed to be done. The member was happy to propose the recommendation.

Councillor Wilson advised that he did not sit on the group or contribute to the work which was being carried out. The member said that prior to this group getting together this term a number of issues previously had arisen, one of the things which was being looked at was the awards which was felt were being devalued in the fact that somebody could get an award for U13, U14 or whatever age group it was and could end up with someone technically receiving 6, 7 or more awards and did not see anything within the report which would address that. The other issue was that we were looking at cost cutting so that this wouldn't be a drain on the ratepayer but recognising as well the whole issue of civic awards and was aware of the budget now being looked at and enquired if this was for an increase or decrease. The member agreed that some sort of mechanism was needed to select these people and had read within the minutes that 'not everyone could be invited to the Awards' but surely if they meet the criteria they should be invited to the Awards, even though it doesn't mean that they will win. The member said that these were his initial thoughts.

The HoSSE in referring to the queries advised that this was something which was discussed at the working group meeting and further work with the relevant Directorates was to be carried out to develop the criteria and specifics around each

of the awards. The HoSSE said that the matters raised would be certainly looked at and will form part of the detailed criteria which will ultimately go back through the working group and come back to committee in due course. In relation to budget, this was something that was being considered by the working group and any decisions or information agreed on this would be brought back through committee.

The Chair advised that she sat on the working group where a lot of good work has been done but took on board Councillor Wilson's concerns and this was why the working group was trying to make it more meaningful and prestigious. She stated that one of the things which was being talked about was having a 'team of the year' award and things like that.

Proposed by Councillor S McPeake
Seconded by Councillor Molloy and

Resolved That it be recommended to Council to approve the approach and recommendations of the Civic Recognition Working Group meetings held on 9th and 31st August 2023.

PR143/23 Corporate Performance Improvement Plan (PIP plan) 2023 to 2024

The Head of Strategic Services and Engagement (HoSSE) presented previously circulated report for members to consider Council's Corporate Performance Improvement Plan (PIP) for period 2023-2024.

Councillor Gildernew referred to page 27 of the self-assessment report and said that she was very concerned about odours emanating from Northway Mushroom Plant in Killeeshil. In relation to activity 5 within the report 'Monitoring and Review of Air Quality' asked how many of the 516 tubes were placed in the vicinity of Northway Plant. In relation to activity 6 within the report 'Environmental Impacts of Industrial Activities' 77 scheduled inspections completed, enquired how many of these involved Northway Plant. The member asked in general how many of these tests are related to the Northway facility and the impact that these odours are having on air quality in the Killeeshil and Cabragh areas.

The HoSSE advised that he would liaise with the relevant directorate in relation to the members queries and would ask for the information to be made available to the member.

Councillor F Burton concurred with Councillor Gildernew's comments as the smell which was unacceptable in the areas where people are trying to live and could only imagine the odour and stench it would be today in the hot weather where people were trying to open their windows and doors. The member stated that she had received numerous complaints in the last fortnight regarding litter and dog fouling in the Aughnacloy and Caledon areas and since WISE were no longer being employed by Council, these were the issues which were being left behind. The member enquired if these issues were built into the plan going forward as she felt as a Council, we have to take on board how people were totally fed up with people going out with their dog early in the morning or late at night so not to be caught and also take into consideration the health issue for children. The member felt that it was

important to look at this in the long term to ensure towns and villages are being looked after and not left for locals to deal with.

The HoSSE advised that one of Council's key CIP projects is the CIP2 Project to create cleaner neighbourhoods where everyone takes responsibility for their waste and environment, obviously there is a number of items listed which fall in under that area and he agreed to raise the issue with the relevant directorate and follow up on concerns raised.

Councillor Gildernew said that she hoped going forward that Northway Mushroom Plant would be factored into any of those tests which were being carried out to ensure that residents enjoy odour free air in the Cabragh and Killeeshil area.

Proposed by Councillor McAleer
Seconded by Councillor F Burton and

Resolved That it be recommended to Council to approve e the Council's Corporate Performance Improvement (PIP plan) Plan 2023-2024 to 2024-2025.

PR144/23 Member Services

None.

Matters for Information

PR145/23 Minutes of Policy and Resources Committee held on 6 July 2023

Members noted Minutes of Policy & Resources Committee held on 6 July 2023.

PR146/23 Mid Ulster Community Planning: Progress Update

Members noted update on activity surrounding Mid Ulster Community Planning: April to September 2023.

PR147/23 Corporate Services and Finance Directorate Service Plan 2023-24

Members noted update in relation to the Corporate Services and Finance Directorate Service's Service Improvement Plan for 2023-24.

PR148/23 Working Groups

Members noted update on Review of current Working Groups established by committees of Council.

Councillor S McPeake said that he was hoping to see more detail when many of those groups would be meeting as it was more or less a stocktake on what was happening up to now. The member referred to the good work up to now on the Civic Recognition Working Group with two meetings within a month and advised that there were other working groups which hasn't met in two years plus, specifically the

Broadband Working Group which hasn't met from May 2021. The member stated that the Broadband Working Group would be a very invaluable group as it functioning would help the areas where broadband was being rolled out at the moment and referred to the issues which emerged through the roll out within his own area in South Derry that could have been brought to the table. The member said that thankfully this area was almost complete but if the working group was functioning, it would provide great benefit to those areas which were in the midst of broadband roll out at the moment. The member referred to the possible merging of the Community Wealth Building and the Transformation Group which was not mentioned within the report and enquired if there was any thought on that. The member felt that it was a good enough stocktake, but it must be moved on and refreshed with what is currently there.

Councillor Burton concurred with Councillor S McPeake's comments and referred to the Tourism Development Group where quite a lot of new businesses have come into the area and trying to engage with those to try and support people who are trying to create small to medium sized businesses in our locality. The member referred to the Modernisation of Waste Recycling and Grass Cutting and advised that this has been a big concern as to the way forward in providing services to the rural areas of the Clogher Valley area and wider across Mid Ulster and it was her understanding that the working group hasn't convened yet and was something that needed to be progressed.

The Chair advised that one meeting had taken place regarding the Modernisation of Waste Recycling and Grass Cutting Working Group and maybe didn't come in on time to have it included within the report.

Councillor F Burton said that she was content that the group had met.

Councillor McLean enquired whether this list was now defined as it was his understanding that a lot of these groups which hadn't met were really necessary or not as members had carried out a previous exercise.

The HoSSE advised that this was the list agreed as part of the working group and governance arrangements for the new Council but took on board comments made around the fact that some of these working groups haven't met for some time. It was correct that the Modernisation of Waste Recycling, and Grass cutting Working Group did meet on the 10 August with a further meeting taking place next week on that group and would certainly take on board and liaise with the relevant directorates who were responsible for each of these specific working groups in terms of when their next meetings would be coming up and progress them.

Councillor Wilson said that he wished to raise an issue which he had raised all along. The member stated that working groups were working groups and that was exactly what there were, but they were not representative of all the Council, although he did appreciate that under D'hondt that was the way it is but wished to make that point.

Councillor McLean felt that one of the reasons why the working groups were not meeting was that there still needed to be Councillors appointed to them and asked the HoSSE to check as he was unsure whether his party has nominated to all the

groups because it was felt that things were still going through that transition period, and he could be one of the guilty people in that sense. The member asked that the list be updated and sent out to him so he can get it sorted.

The Chair said that some good work had been done through the working groups and it would be good to get things progressed with the others who haven't met. The member referred to the Housing Forum which hasn't met for some time and felt that it would be important to get this meeting up and going again as she had witnessed through her office that housing is an issue.

Live broadcast ended at 7.37 pm.

Local Government (NI) Act 2014 - Confidential Business

Proposed by Councillor F Burton
Seconded by Councillor Wilson 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 PR149/23 to PR159/23.

Matters for Decision

- PR149/23 IST Update Report – Derrynoyd – Drumcairn Forest Improvements
- PR150/23 Land and Property Matters
- PR151/23 Staffing Matters for Decision
- PR152/23 Information Technology Contract Extensions and Direct Awards

Matters for Information

- PR153/23 Confidential Minutes of Policy & Resources Committee held on 6 July 2023
- PR154/23 Staffing Matters for Information
- PR155/23 Update on Shared Recruitment Advertising
- PR156/23 2023/24 Insurances
- PR157/23 Cookstown Chamber Upgrade
- PR158/23 Annual Accounts for 12 Months ended 31 March 2023
- PR159/23 Verbal Update on Legal Matters

PR160/23 Duration of Meeting

The meeting was called for 7.00 pm and ended at 8.15 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.

The importance of neonatal leave & pay

TinyLife briefing

7th September 2023



Impact of a neonatal stay

- **1,900** babies in NI spend time in a neonatal unit each year – born **too small, too sick or too soon**
- **No** additional parental leave entitlement when a baby is born premature or sick
- **Only two weeks of paternity leave** means that fathers/non-birthing parents return to work long before child is well enough to return home
- Impossible choice: **return to work too soon, or take a financial hit to spend time with family at a stressful time?**



Impact of a neonatal stay: work and mental health

- For around **70%** families with a significant neonatal stay, at least one parent returned to work **while their baby was still in hospital** ([Bliss](#))
- **91%** of dads who returned to work whilst their baby was in NICU **struggled to concentrate at work** (Leo's Neonatal)
- **36%** of fathers **signed off sick** in order to spend more time with their baby on the neonatal unit ([Bliss](#))
- **42% of mums** and **20% of dads leave work altogether** to become a full-time carer for their child or children (Leo's Neonatal)
- **40%** of parents experience **anxiety or PTSD** when their baby needs neonatal care – 25% are still affected a year after birth ([National Institute for Health and Care Research](#))



**Tiny
Life.**

Impact of a neonatal stay: family finances

- **One in four** families had to borrow money or increase their debt because of their baby's neonatal stay ([Bliss](#))
- **More than half** of families said their finances affected their ability to spend time with their baby ([Bliss](#))
- At the start of 2022, the average additional cost of having a baby in neonatal care was around **£405 per week** –daily travel to and from neonatal units, high-cost food and drink, additional childcare costs and lost income of around £3,000 during the baby's stay ([Bliss](#))



Neonatal Care (Leave & Pay) Act 2023

- Due to be implemented in GB by **April 2025**
- Entitles mothers & fathers to **up to 12 weeks of leave** from work if their baby spends **at least 1 week in a neonatal unit**
- **On top of** maternity/paternity/adoption leave
- Leave must be paid at a **statutory rate** (currently £156.66 per week) – subject to minimum length of service and earning requirements
- Highly likely that when NI Executive is restored, Assembly will seek to implement **same or similar provisions in NI**



Local employers taking initiative...



Belfast councillors vote to give employees premature birth leave

🕒 2 days ago



FinTrU Announces New Policy for Parents of Babies Born Premature or Sick

THURSDAY 2 MARCH 2023

Benefits of voluntarily implementing a neonatal leave policy

- Ability to **plan staff workloads** – duration of neonatal leave is more predictable than unpaid leave and sick leave
- Improved **staff retention**
- **Attracting new staff** with family-friendly policies
- Improved **staff performance**



What can your council do?

- Consider **proposing a motion** to introduce paid neonatal leave
- Any new policy should follow GB Neonatal Care Act as closely as possible
- ... and then **improve upon it!**
- Council officers: contact TinyLife for a copy of our model neonatal leave policy (Rebekah@tinylife.org.uk)



**Minutes of Meeting of Environment Committee of Mid Ulster District Council
held on Tuesday 12 September 2023 in Council Offices, Circular Road,
Dungannon and by virtual means**

Members Present

Councillor Cuthbertson, Chair

Councillors J Burton, J Buchanan, Cahoon, Kelly,
Groogan, Mallaghan, Martin*, McAleer, McElvogue,
McGuigan, McNamee, Milne*, Quinn* (7.06 pm),
Robinson (7.02 pm), Varsani

**Officers in
Attendance**

Mrs Campbell, Strategic Director of Environment (SD:
Env)
Mrs Donnelly, Council Solicitor
Mr Fox, Building Control Development Officer (BCDO)
Mr Gallogly, Capital Contracts Manager (CCM)
Mr Gillis, Licensing Officer (LO)**
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

**Others in
Attendance**

**Agenda Item 31 – Gribbens Bar Entertainment
Licence Application**

Ms Askin - Objector
Mr Currie – Applicant
Mrs Currie – Applicant
Mr McLaughlin – Solicitor, Belfast City Council
Mr McNeill – PSNI***
Mr O'Lone – Objector

* 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.

1 – Environment Committee (12.09.23)

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.

E165/23 Notice of Recording

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

E166/23 Apologies

None.

E167/23 Declarations of Interest

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

E168/23 Chair's Business

The Chair, Councillor Cuthbertson stated he was aware that Councillor Robinson wanted to raise an issue under Chair's Business but that he had not yet entered the meeting and that when he did this item could be returned to.

Councillor McElvogue referred to Northway mushroom compost factory and that NIEA had recently met with residents and advised that they do not have enough officers to do the smell test and asked if this is something Environmental Health could do.

The Chair, Councillor Cuthbertson advised that Environmental Health is now under the remit of the Development Committee and that the matter should be raised there or alternatively with the Principal Environmental Health Officer.

Matters for Decision

E169/23 Bus Shelters Update

The Capital Development Manager (CDM) presented previously circulated report which provided update on current bus shelter status. The CDM drew particular attention to point 3.6 of report which related to neighbourhood notification for bus

2 – Environment Committee (12.09.23)

shelter at Moore Street, Aughnacloy. The CDM advised that six notification letters were sent out, one was returned in favour within the timeframe and that a solicitor's letter was received from the landlord of five of the six properties. The solicitor's letter was sent claiming they were not aware of the notification as they are a landlord and not a tenant and it was advised that the letter was received after the timeframe. The CDM stated that following the procedural guide this bus shelter would go through to be approved however given the solicitor's letter received he would take guidance on how to move forward. The CDM advised that DfI have been out to inspect the proposed site and that they have found it acceptable. The CDM stated that the solicitor's letter claims that the bus shelter will give rise to issues of noise and anti social behaviour. The CDM stated that at the site visit other options were explored along Moore Street and there would be another suitable site available.

Councillor Robinson entered the meeting at 7.02 pm during presentation of the above report.

The Chair, Councillor Cuthbertson referred to the alternative site and that Moore Street is quite long and asked if there are other stop off points for Translink along the Street.

The CDM advised that there are other stop offs, the one requested is outside the Bureau de Change and that the Education Authority also leave children close to McIlwaine Hall.

The Chair, Councillor Cuthbertson proposed that an alternative site be explored for Moore Street given that there is some explanation as to why the objection received was late and that further report be brought back on this.

Councillor Robinson seconded Councillor Cuthbertson's proposal.

- Resolved** That it be recommended to Council –
- That alternative site be explored for siting of bus shelter at Moore Street, Aughnacloy.
 - That the following application is recommended for rejection and should be removed from the register – Old Dungannon Road, Ballygawley.

Councillor Quinn joined the meeting at 7.06 pm.

Chair's Business - continued

The Chair, Councillor Cuthbertson stated that Councillor Robinson was now in attendance and invited him to raise his issue.

Councillor Robinson stated he had received a number of complaints from residents in relation to the smell coming from Northway Mushrooms. The Councillor stated there is a level of frustration from the residents and asked if there is anything more Council could be doing regarding this matter.

The Chair, Councillor Cuthbertson stated that Councillor McElvogue had raised a similar issue and again highlighted that Environmental Health matters are considered at the Development Committee or that the issue can be raised with officers.

Councillor Robinson referred to dual language signage and that there are a number of requests to change signs in the Augher area. The Councillor referred to the request letters that be sent in and that a number seem to come in on a template format and asked can Councillors lobby residents on the road.

The Chair, Councillor Cuthbertson stated that Councillor Robinson's comments could be raised when the meeting gets to that point on the agenda.

E170/23 Capital Projects – Contract Awards Delegated Authority Request

The Strategic Director of Environment (SD: Env) presented previously circulated report which sought approval to give delegated powers for the award of Capital Contracts for the following projects –

1. Connecting Pomeroy – Civil Trail development (IST Contract)
2. Small Settlements – Castlecaulfield (ICT Contract)
3. Small Settlements – Moy (ICT Contract)

Proposed by Councillor McNamee
Seconded by Councillor Cahoon and

- Resolved** That it be recommended to Council that –
- Pursuant to Section 7(1)(b) of the Local Government Act (NI) 2014, that authority is delegated to P&R or Environment Committee to approve the award of contracts for the following schemes -
 1. Connecting Pomeroy – Civil Trail development (IST Contract)
 2. Small Settlements – Castlecaulfield (ICT Contract)
 3. Small Settlements – Moy (ICT Contract)

4 – Environment Committee (12.09.23)

- A full update report will be brought back to Members in November Committee/Council for Members information.

E171/23 Dfl Roads Proposal to Mid Ulster District Council – Eglish Road, Dungannon 30mph Speed Limit

Members considered previously circulated report which sought agreement in relation to a proposal from Dfl Roads to introduce a 30mph speed limit at Eglish Road, Dungannon.

Proposed by Councillor B McGuigan
Seconded by Councillor Robinson and

Resolved That it be recommended to Council to approve the proposal from Dfl Roads to introduce a 30mph speed limit at Eglish Road, Dungannon.

E172/23 Dfl Roads Proposal to Mid Ulster District Council – Proposed Stopping Up – Killybracken Road and Eglish Road, Dungannon

Members considered previously circulated report which sought agreement in relation to a proposal from Dfl Roads to introduce a ‘stop-up’ on the Killybracken Road, Dungannon and an advisory speed limit on the Eglish Road, Dungannon.

Proposed by Councillor B McGuigan
Seconded by Councillor Robinson and

Resolved That it be recommended to Council to approve the proposal from Dfl Roads to introduce a ‘stop-up’ on the Killybracken Road, Dungannon and an advisory speed limit on the Eglish Road, Dungannon.

E173/23 Dfl Roads Proposal to Mid Ulster District Council - Bracken Way, Bracken Ridge, Bracken Ridge Park and Bracken Ridge Avenue, Newmills 20 mph Speed Limit

Members considered previously circulated report which sought agreement in relation to a proposal from Dfl Roads to introduce a 20mph speed limit at Bracken Way, Bracken Ridge, Bracken Ridge Park and Bracken Ridge Avenue, Newmills.

Proposed by Councillor B McGuigan
Seconded by Councillor Robinson and

Resolved That it be recommended to Council to approve the proposal from Dfl Roads to introduce a 20mph speed limit at Bracken Way, Bracken Ridge, Bracken Ridge Park and Bracken Ridge Avenue, Newmills.

E174/23 Dfl Roads Proposal to Mid Ulster District Council - Traffic Calming, Bush Road and Cavan Road, The Bush

Members considered previously circulated report which sought agreement in relation to a proposal from Dfl Roads to introduce traffic calming measures at Bush Road and Cavan Road, The Bush.

Proposed by Councillor B McGuigan
Seconded by Councillor Robinson and

Resolved That it be recommended to Council to approve the proposal from Dfl Roads to introduce traffic calming measures at Bush Road and Cavan Road, The Bush.

E175/23 Dfl Roads Proposal to Mid Ulster District Council - Traffic Calming, Moydamlaght Road Moneyneany

Members considered previously circulated report which sought agreement in relation to a proposal from Dfl Roads to introduce traffic calming measures at Moydamlaght Road Moneyneany.

Proposed by Councillor B McGuigan
Seconded by Councillor Robinson and

Resolved That it be recommended to Council to approve the proposal from Dfl Roads to introduce traffic calming measures at Moydamlaght Road Moneyneany.

E176/23 Dfl Roads Proposal to Mid Ulster District Council - Traffic Calming, Mullaghboy Road Bellaghy

Members considered previously circulated report which sought agreement in relation to a proposal from Dfl Roads to introduce traffic calming measures at Mullaghboy Road Bellaghy.

Proposed by Councillor B McGuigan
Seconded by Councillor Robinson and

Resolved That it be recommended to Council to approve the proposal from DfI Roads to introduce traffic calming measures at Mullaghboy Road Bellaghy.

E177/23 DfI Roads Proposal to Mid Ulster District Council - Traffic Calming, Bridge Street Castledawson

Members considered previously circulated report which sought agreement in relation to a proposal from DfI Roads to introduce traffic calming measures at Bridge Street, Castledawson.

Proposed by Councillor B McGuigan
Seconded by Councillor Robinson and

Resolved That it be recommended to Council to approve the proposal from DfI Roads to introduce traffic calming measures at Bridge Street, Castledawson.

Matters for Information

E178/23 Minutes of Environment Committee held on 3 July 2023

Members noted minutes of Environment Committee held on 3 July 2023.

E179/23 Environment Directorate Departmental Plan 2023/24

Members considered previously circulated report which outlined the annual Departmental Plan for the Environment Directorate for the period 2023/24.

Councillor McElvogue referred to removal of metal skip from Coalisland Recycling Centre and proposed that this decision be reviewed.

The Strategic Director of Environment (SD: Env) stated that a working group has been set up to look at recycling centres and has met once and will meet again this week. The SD: Env advised that Councillor McGuigan is Chair of the working group.

Councillor McGuigan stated that the working group is there to look at all the issues across the recycling centres. The Councillor stated that when the working group have looked at all the issues a report will be brought to the Environment Committee and felt that until that piece of work is done there was no point in raising issues within a particular recycling centre.

7 – Environment Committee (12.09.23)

The Chair, Councillor Cuthbertson stated he was aware of the issue and asked for the reasoning behind why the skip was removed.

The SD: Env stated that the skip was removed for health and safety reasons. The SD: Env confirmed that the working group is looking at all issues across all sites and that this particular issue is something that the working group will be making a recommendation on going forward.

The Chair, Councillor Cuthbertson stated he thought the working group was set up to look at the future of the site and not individual operational matters.

Councillor Quinn stated that the loss of the metal skip in Coalisland will have a big impact on tonnages coming into the site and asked if this issue can only be dealt with by the working group.

The Chair, Councillor Cuthbertson stated that the SD: Env has advised that the skip was removed for health and safety reasons and it was uncertain whether these can be addressed before the working group bring forward their recommendations. Councillor Cuthbertson stated that the Councillor could ask for an update next month.

E180/23 Extended Producer Responsibility Obligations/Regulations Update

Members noted previously circulated report which provided update on the Extended Producer Responsibility Obligations (Packaging and Packaging Waste) Regulations.

E181/23 Northern Ireland Local Authority Collected Municipal Waste Management (LACMW) Report for January to March 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 4 of 2022/23 from January to March 2023.

E182/23 School Uniform Reuse Pilot Scheme

Members noted previously circulated report which advised of the commencement of a school uniform reuse pilot scheme.

E183/23 Maghera Walled Garden Green Flag Award

Members noted previously circulated report which highlighted the success for Maghera Walled Garden at the Green Flag Awards.

E184/23 Building Control Workload

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

E185/23 Entertainment Licensing Applications

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

E186/23 Dual Language Signage Surveys

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

E187/23 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.

Councillor Robinson stated that a number of roads in his area have been requested to be changed to Irish over the native language of English and asked what the process is for making a request as a number being received appear to be submitted on a template format. The Councillor asked if it is a case that Councillors can lobby residents along roads to submit requests and that as he is relatively new to the Committee he was unsure of the process and requested that it be explained.

The Chair, Councillor Cuthbertson stated that he had raised this issue in the past in relation to templates as he felt there does seem to be a concerted campaign to get people to request dual language signage which adds time and expense to officers. Councillor Cuthbertson stated that as there are a number of new Councillors on the Committee an explanation of the process may be beneficial.

Councillor Robinson stated that this issue is something he is asked about regularly and he is unsure of the process.

The Assistant Director of Property Services (AD: PS) stated that there is a policy in place regarding dual language signage and that when a request is received officers then evidence the requestor through the Electoral Register and this is the way of verifying that they are a legitimate resident. The AD: PS stated he was happy to include the policy within next month's report.

Councillor Robinson asked if everyone has to respond to a survey.

The AD: PS advised that when a request is made and verified then all residents of that street or road are notified of request and asked to respond. The AD: PS stated that in line with the policy a dual language sign will be erected where 51% or more of the replies returned are in favour and this is reflected in the other survey report before Members tonight.

Councillor Robinson referred to the issue of templates.

The AD: PS stated he can address the issue in a future report but highlighted that it is the residents who make a request.

Councillor McAleer asked that the policy be emailed to the members of the Environment Committee to familiarise themselves with.

Councillor McNamee proposed that the policy be emailed to all Members.

Councillor Quinn stated he was content that the policy be emailed and challenged Councillor Robinson on his comment regarding Irish being introduced over a native language and that he was sure the Councillor was aware that Irish has been spoken here for thousands of years. The Councillor referred to lobbying and stated that the officer has clarified that it is up to the individual to submit a request and that if verified everyone on the street/road is then polled.

Councillor McAleer seconded Councillor McNamee's proposal.

Resolved That it be recommended to Council to email Council policy on Dual Language Signage to all Members.

Live broadcast ended at 7.22 pm.

Local Government (NI) Act 2014 - Confidential Business

Proposed by Councillor McAleer

Seconded by Councillor Robinson and

10 – Environment Committee (12.09.23)

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 E188/23 to E206/23.

Matters for Decision

- E188/23 Proposed enhancement scheme at Cottagequinn Cemetery
- E189/23 Extension to contracts for processing of dry recyclables
- E190/23 Off Street Car Parking: Quarter 1 2023/2024 Update and Future Parking Provision
- E191/23 Service Level Agreement - Structural Engineering Services
- E192/23 Vehicle Emissions Reduction: HVO (Hydrotreated Vegetable Oil) Fuel Trial
- E193/23 Building Maintenance Framework Tender Report
- E194/23 Maghera Regeneration Project – Wetlands Park and Walled Garden Enhancements ICT Award
- E195/23 Gribben’s Bar Entertainment Licence Application

Matters for Information

- E196/23 Environment Committee Confidential Minutes of Meeting held on 3 July 2023
- E197/23 Coolhill Cemetery Improvement Works
- E198/23 Capital Framework – ICT Contracts Update
- E199/23 Capital Framework – IST Contracts Update
- E200/23 IST Award – Connecting Pomeroy
- E201/23 IST Award – Small Settlements – Moneymore EI Improvements
- E202/23 Capital Projects – Scoping Contracts Update
- E203/23 Off-Street Car Parking Update 2022-2023
- E204/23 Energy Management Update – Display Energy Certificates (DEC’s)
- E205/23 Electric Vehicle Charging Points Update
- E206/23 Capital Programme Update Quarter1 23-24

E207/23 Duration of Meeting

The meeting was called for 7.00 pm and ended at 23.04 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 14 September 2023 in the Council Offices, Circular Road, Dungannon and by Virtual Means

Members Present	Councillor McNamee, Chair Councillors Bell*, Black, W Buchanan, F Burton, Clarke, Corry*, Forde, Gildernew, McLernon, McQuade, Monteith*, Milne*, Wilson
Officers in Attendance	Mr Gordon, Assistant Director of Health, Leisure and Wellbeing (AD: HL&W) Ms Linney, Assistant Director of Development (AD: Dev)** Ms McKeown, Assistant Director of Economic Development, Tourism and Strategic Programmes (AD: EDT&SP) ** Mr Brown, ICT Support Mrs Grogan, Committee and Member Services Officer
Others in Attendance	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.

D122/23 Notice of Recording

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

D123/23 Apologies

Councillors Molloy and Quinn.

D124/23 Declaration of Interests

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

D125/23 Chair's Business

The Chair advised that Councillor Wilson wished to raise any issue under Chair's Business.

Councillor Wilson advised that the old Social Security Building in Cookstown was up for sale which was an absolute eyesore and in dire need of being renovated. The member believed that there were a number of organisations who were looking to bid on it, one in particular and as Chair of Cookstown Enterprise Centre, were looking to redevelop the whole site and would require a letter of support from the Council to allow this to happen.

Councillor Wilson sought approval from Council to allow the Chief Executive permission to write a letter of support to move this project forward and to include any of the other interested parties to do the same. The member felt that it was important that this building and site gets tidied up.

Proposed by Councillor Wilson
Seconded by Councillor W Buchanan and

Resolved That it be recommended to Council to grant approval for the Chief Executive to write a letter of support for Cookstown Enterprise Centre any other interested parties to progress the upgrade and renovation of Cookstown Social Security Building.

The Chair advised that other people had indicated to him that they may send in a letter to Council in due course.

Matters for Decision

D126/23 Ballyronan Boat Club – Development Proposal

The Assistant Director Health, Leisure & Wellbeing (AD: HL&W) presented previously circulated report to update members on engagement to date and proposals for consideration.

Councillor Clarke thanked the AD: HL&W for his good explanation and said that he was delighted to see progress being made and would be happy to propose the recommendation. The member stated that this would really be a new development and what happened there before is now in the past and with the current situation now at Ballyronan and the space at the site, it would great to see the progress.

Proposed by Councillor Clarke
Seconded by Councillor Bell and

Resolved That it be recommended to Committee that approval be granted for Officers:

- (a) To ascertain conditions and agreement needed to facilitate the Ballyronan Boat Club proposal and if permissible and agreeable to all parties, draft terms for a lease of 25 years with possibility of extension for the disused old changing areas currently located on site.
- (b) To engage with Land and Property Services to ascertain current market value for retail/leasing options and incorporate into an agreement with agreed rent review conditions.
- (c) Subject to mutual agreement on above, that Council proceed to finalise the necessary agreements.

Councillor Black advised that he would be happy to support the proposal as this was a good opportunity for the Council to support the Boat Club and show a keen interest in trying to better the facility at Ballyronan.

Councillor W Buchanan enquired how the blue/green algae affect the long-term boating on the lough.

The Chair agreed that this was a very pertinent question at the minute regarding what was going on in the lough and enquired if the AD: HL&W had any update.

The AD: HL&W said that members may have been aware that a meeting had taken place last Monday at the request of this committee, Council had invited NIEA and NI Water to provide an information session for Councillors which included slides that could be circulated to members for information if they so wish. The AD: HL&W advised that one of the actions arising out of that meeting was to invite NIEA and NI Water back to this committee in due course at an appropriate time to provide an update on any of the agreed actions that was discussed at the meeting.

Councillor McLernon said that whilst discussing the matter of blue/green algae at the lough she wished to take the opportunity to raise the issue of the dredging at Blackwater and the fact that Lough Neagh Rescue were potentially being jeopardised in doing their job and providing a service due to the fact of the river in dire need of being dredged. The member requested that this matter be raised at the Environment Committee.

The Chair advised that the Council was dealing previously with ABC Council in relation to the dredging of the Blackwater where potential legal issues had arisen.

The Assistant Director of Economic Development, Tourism and Strategic Programmes (AD: EDT&SP) said that she understood the Strategic Director of Environment (SD: Env) had been instructed by Council to seek legal advice from Council's solicitors upon the legal vires of Council undertaking any proposed dredging works to the mouth of the Blackwater River, given that this was the responsibility of Department for Infrastructure. The AD: EDT&SP said that it was her understanding that the SD: Env would bring back an update report to the Environment Committee once the legal advice had been attained.

The Chair stated Councillor McLernon's concerns would be raised at the Environment Committee and was aware that the member had indicated that the situation on the Blackwater is worse now than it ever has been.

Councillor Milne advised that he had attended a Lough Neagh Partnership meeting today and the organisation had indicated to him that a new body had been formed by possibly DAERA or some other government body where different groups have been invited along and dismayed to see Lough Neagh Partnership not being included. The member stated that Lough Neagh Partnership was one of the groups that knows everything about the lough and shocking to see them not being invited and enquired if there was any possibility of this Council making representation to DAERA or whoever to include Lough Neagh Partnership onto the newly formed body.

Proposed by Councillor Milne
Seconded by Councillor McLernon and

Resolved That it be recommended to Council that to approve that:

- (a) Officers liaise with DAERA or other Government Department responsible for forming the new body for the Lough Neagh asking them to involve Lough Neagh Partnership in their future proceedings.
- (b) Dredging of Blackwater be referred to Environment Committee for consideration.

Councillor Monteith said that coming in on the back of this regarding the Environment Committee, there seemed to be an overlap given now we have environmental health responsibilities. The member suggested that Environmental Health Report be a continuous standing item on the agenda as there has always been an item on the agenda for Development Report, Community Development Update and Economic Development. The member advised that increasingly there were issues coming, including Lough Neagh due to the crisis at the minute, but there were other crisis' including the whole situation around Northway facility in the Clogher Valley area relating to air pollution the same as Dungannon and Moy. The member felt that the public do expect our Environmental Health Officers and our department to be taking a lot of the lead on this, often there is not the statutory base for it, but when there is work coming off our staff could they be in a position to look at this sort of stuff as the first point of contact for the community. He felt there was a need for this Council to be more publicly proactive in public health issues and promotion of public health.

Councillor Monteith proposed that Environmental Health Report be a standing agenda item each month to allow Councillors to raise these types of issues as some were very pertinent to local communities and important to have monthly reports.

Proposed by Councillor Monteith
Seconded by Councillor Burton and

Resolved That it be recommended to Council that Environmental Health Report be a standing item each month on the Development Committee agenda going forward.

Councillor Wilson following on from Councillor McLernon's comments advised that he had previously sat on the Environment committee and was his understanding that the vast majority of the area which needed to be dredged at Blackwater belonged to ABC Council. The member agreed that whilst we were the statutory body that could dredge it or indeed if it was our responsibility in Mid Ulster Council, it could relate to ABC Council also and was unsure where ABC Council currently stood relating to this.

The Chair advised that there had been an in-depth conversation around this and agreed there were serious issues around the Lough. The member stated that there were all types of pollution around Mid Ulster and the recommended Environmental Health Report each month would provide everyone with the opportunity to raise any concerns which they may have.

D127/23 Development Report

The Assistant Director of Development (AD: Dev) presented previously circulated report to update members and to seek approval for the following:

- Strategic Development/Community Planning – letter of offer support for the proposed Magherafelt Health Village
- VPRS Storage Scheme Support
- Development Update

Councillor Corry said that she would be happy to propose the recommendation as it was important to keep up the good work that has been done with the refugee community. The member referred to Magherafelt Health Village and said that she was aware of a number of members attending the meeting in July and was a very exciting opportunity to bring free GP services into the one space including child services, opticians, pharmacists, physio, dentist etc along with caring also. The member stated that this was an extremely exciting opportunity and was very happy to support it.

Councillor Clarke said that he would be happy to second the recommendation as it was very important to move forward with this.

Proposed by Councillor Corry
Seconded by Councillor Clarke and

Resolved That it be recommended to Council to –

- Approve the issuing of a Council letter of support for the Magherafelt Health Village.
- Approve the contribution to the VPRS Storage Scheme.
- Note the Development Update.

D128/23 Development – Peace Plus Plan

The Assistant Director of Development (AD: Dev) presented previously circulated report to update members and seek approval for the Peace Plus Plan.

The AD: Dev asked members to note that one of these was in Capital and the programme which was being looked at the moment through a masterplan process is for Traad and this masterplan will be brought back to members in due course as it was currently being finalised through co-design and consultation with the communities.

Councillor Gildernew proposed the Peace Plus Plan for submission for SEUPB as she was delighted to see this much needed Peace funding coming to Mid Ulster District Council area from the European Union. The member hoped that the process would not be as bureaucratic in Peace funding as it previously was over the years.

Proposed by Councillor Gildernew
Seconded by Councillor Clarke and

Resolved That it be recommended to approve the Peace Plus Plan for submission to SEUPB.

Councillor Monteith said that he had a query regarding the other themes and enquired if Council were able to avail of the other themes in the mix for future applications or were we confined to this particular theme.

The AD: Dev advised that Council could apply for regional Peace Plus themes. Theme 1.1 is specifically for Council and has a dedicated allocation based on the plan. Council can apply competitively to other themes and that a number of these were open at the minute for example youth, shared education, environment etc. she can send members a full update of what is currently available.

Councillor Monteith enquired if it would be beneficial arranging a workshop for Councillors to chat and generate ideas as there was a fairly large capital works plan. The Member suggested that Officers could investigate to see if there was anything that would fit in for potential applications as there were areas which kept coming up i.e., Ballysaggart Lough, Dungannon which would integrate well with no. 5 as it was a registered bird sanctuary and was also included in our capital works. The member felt that a workshop would be beneficial for members on the whole Peace Plus programme, with a view to what projects Council has already in the pipeline and potential for available funding through it.

The Chair agreed that this would be beneficial to showcase the new model and include new members of Council who may not be on the partnership or fully informed on the whole concept and may better place themselves to lever monies for their own communities.

Proposed by Councillor Monteith
Seconded by Councillor McNamee and

Resolved That it be recommended to Council that a workshop be arranged for all members on the entire Peace Plus Programme.

Councillor Wilson advised that Peace Plus funding was very welcome as the vast majority of the money was coming from the Exchequer. The member said that whilst reading through the report he did not see anything relating to the arts although he has seen culture mentioned all the time and enquired was arts part of the culture or was it being excluded.

The AD: Dev confirmed that arts would be part of the culture theme. She advised that an independent consultant was brought in "Insight Solutions" who had went out and identified a number of themes through engagement with the community and peace partnerships and these were the key themes which had come back. The AD: Dev said that Council had focused on as many social inclusion schemes ones as possible but arts has been incorporated under the cultural element and although it may not be as strong as some of the others in relation to potentially poverty, health and wellbeing, it was still there but may not have the same allocation of funding.

Councillor Wilson asked if this could be included as Arts and Culture as this would give it a purpose. The member advised that members had met last with the strategic arts delivery groups and that it would be good to provide them with a boost by using the word Arts.

The AD: Dev confirmed that Councillor Wilson's request could be accommodated.

Councillor Burton said that on a similar vein to Councillor Monteith, referred to Clogher Valley Workhouse where a consultation event took place at Corick House at the end of August and was her understanding that the Education Authority hoped to get some support through this Peace money. There was a presentation from the Early Years and was strongly felt that there is very little childcare facilities in Clogher Valley area for working mothers and would appreciate an update regarding this to make sure that Council was still focused on the effort that the whole cross-community put in. There was ongoing work between Early Years and some of the older people in the care home to carry out intergenerational work which would benefit both the older and younger people. The member felt that it would be very important to keep this on the radar and to generate any support available.

The AD: Dev said that Officers were aware that Early Years had put in for a regional project which closed on the 4th of September 2023. The AD: Dev advised that a letter of support has been provided based on previous letters of support following a presentation on the scheme. The AD: Dev said it was her understanding that the group were quite hopeful that they have a strong application to the large capital fund.

Councillor Burton suggested that it may be beneficial to organise a meeting around the table so that the new local representatives of Council can get a little bit more of a steer around what we are trying to achieve up in there. The member enquired if this could be accommodated pre-Christmas.

Proposed by Councillor Burton
Seconded by Councillor Monteith and

Resolved That it be recommended to Council that a meeting be arranged for members particularly our new local representatives so that they can be

made aware of what Council were trying to achieve in the Clogher Valley area regarding Early Years proposals.

D129/23 Mountain Bike NI Consortium

The Assistant Director Health, Leisure & Wellbeing (AD: HL&W) presented previously circulated report to seek approval to commit to Mountain Bike NI Marketing Consortium Campaigns for 2023-2024.

Councillor Clarke said that he would like to support the proposal as it has been in place for a number of years which was delivering well. The member felt that it was good to be part of a region wide organisation which promotes the mountain-biking facilities across the region.

Proposed by Councillor Clarke
Seconded by Councillor Wilson and

Resolved That it be recommended to Council that approval be granted for Mid Ulster District Council to participate as a Consortium Partner with the Mountain Bike NI Marketing Consortium and contribute £10,500 to 2023-24 campaign.

Councillor Burton enquired if promotion was all the Council got through this or was there any other benefits.

The AD: HL&W advised that appendix and short report was included around the work which has went on this last year which allowed Council the opportunity to do a shared promotion of the facilities that we have and also to avail of some expertise and the extra insight that we need. He said that it was felt that working in partnership provides Council with the maximum amount of opportunity to deliver this specialist marketing campaign right across the spectrum, not just marketing but expertise on ongoing work on trails we have also.

D130/23 Walk NI Consortium

The Assistant Director Health, Leisure & Wellbeing (AD: HL&W) presented previously circulated report to seek Council approval to commit to Walking NI Marketing Consortium for 2023-2024.

Councillor Corry said she was happy to propose the recommendation as it was a great opportunity to showcase our Sperrins and for all we have to offer here in Mid Ulster. The member advised that she would see a lot of walkers around her own area in Hudy's Way, Slieve Gallion, Derrynoyd and Carntogher and was a good opportunity to promote hillwalking in the area.

Proposed by Councillor Corry
Seconded by Councillor McLernon and

Resolved That it be recommended to Council that approval be granted for Mid Ulster District Council to participate as a Regional Partner with the

Walking NI Marketing Consortium with a contribution of £3,617.00 towards the 2023-2024 campaign.

D131/23 Dog Friendly Park Trial in Dungannon Park

The Assistant Director Health, Leisure & Wellbeing (AD: HL&W) presented previously circulated report to advised members of proposal to develop a trial Dog Friendly Park at Nunnery Hill in Dungannon Park.

Councillor Monteith advised that it was himself that brought this initiative forward though this committee on the request from the doggy community and said that it was good to see it up and running. The member said that he understood the need for a trial period but felt that 12-month period was a bit long and felt that if things were progressing well that consideration be given to bringing this down to a 6-month trial period with a potential for rollout across other Council areas. The member felt that if this was any sort of success in Dungannon Park at all, then there was potential for other members getting lobbied for roll out in other areas and felt that after 6 months a review be taken then. The member stated that if this facility could be set up for this minimal amount of money, it would be something certainly worthwhile for other areas.

Proposed by Councillor Monteith
Seconded by Councillor McLernon and

Resolved That it be recommended to Council that approval be granted to develop a trial Dog Friendly Park in Dungannon Park. Trail to be reviewed after a 6-month period as opposed to 12 months and also investigate the potential for a similar facility across other areas of Mid Ulster.

The Chair said that it would be useful to earmark some ground in other areas if there is a big uptake in Dungannon and important to move relatively quickly on that.

Councillor Monteith proposed that Railway Park DEA meeting be resumed as soon as possible as he felt that it has fallen of the radar once again.

The AD: Dev advised that there has been an update with a meeting taking place today on the design, there is a few tweaks to make and has to go out to the DEA but advised that this can be organised through the Capital team relatively soon.

Resolved That it be recommended to Council to resume Railway Park DEA meetings as soon as possible.

D132/23 Sports Representative Grants

The Assistant Director Health, Leisure & Wellbeing (AD: HL&W) presented previously circulated report to update on the proposed Community Grant allocations for the range of:

- Sports Representative Grant – Individual 44 (September 2023) - Total £9160
- Sport Presentative Grant – Teams 4 (September 2023) - Total £1450

Councillor McLernon said that she would like to propose the recommendations and also to say that it was great to see the Sports Grants reaching so many different sports individuals within the community.

Proposed by Councillor McLernon
Seconded by Councillor Wilson and

Resolved That it be recommended to Council that approval be granted for the Sports Grant allocations as outlined within the report.

D133/23 DfC Evaluation Exercise on Pavement Café Legislation

The The Assistant Director Health, Leisure & Wellbeing (AD: HL&W) presented previously circulated report to agree Council's response to Department of Infrastructure's evaluation exercise on Pavement Café legislation.

Proposed by Councillor McLernon
Seconded by Councillor Gildernew and

Resolved That it be recommended to Council that approval be granted for the previously circulated draft response to be submitted to the Department for Communities' evaluation exercise on pavement café licensing.

D134/23 Economic Development Report – September 2023

The Assistant Director of Economic Development, Tourism and Strategic Programmes (AD: EDT&SP) presented previously circulated report to update on key activities as detailed below:

- **Christmas Off Street Car Parking Charges Dungannon & Magherafelt**
- **TV Christmas Promotional Campaign for Retail and Hospitality**
- **Tourism Trade and Consumer Shows/Events 2023/2024**
- **Project Gigabit – Public Review**
- **ICBAN – Peace Plus – DS3 Smart Town and Villages**

Councillor Corry said that she would be happy to propose the report. The member enquired would it be possible to get a date brought forward for the Broadband Working Group as the group has not met for quite a long time and felt that this would be beneficial as there were still gaps in the Mid Ulster area.

Councillor Gildernew said she would like to second the proposal and support the contribution of £1500 to ICBAN for the funding bid associated with employment of a contractor to coordinate a major funding bid (€6 million) as this funding would be transformative for the border communities which have been extremely adversely affected through the years and would be great to see and would fully supported it.

Councillor Wilson referred to item 5.1 – Off Street Carparking and advised that high streets were dying on their feet at the moment and asked if it was possible or how

much it would cost to offer free carparking in Dungannon and Magherafelt over the festive period.

Councillor Wilson also referred to item 5.4 – Project Gigabit and wished to pay tribute to Mr McKenna (Economic Regeneration Service Manager) on this. The member advised that there was a 5G mast erected on the Morgans Hill Road, Cookstown which has affected an elderly lady living behind it as she hasn't got a smart tv and has no picture what-so-ever for this last 2 months. The problem being that no-one can identify who the suppliers are to confirm that it is their mast. The member said that he was unsure where we can go with this, but it was an absolute disgrace that some of these telecom people cannot and will not take responsibility for that mast. The member said that he was aware that the Economic Development department especially Mr McKenna was doing excellent work on this but felt there was an issue with planning on this also as obviously this Council has approved it.

In response to Councillor Wilson's query regarding Off Street Carparking, the AD: EDT&SP advised that she would liaise with the Assistant Director of Property Services (AD: PS) to ascertain costs for the proposal to provide free carparking during the 6 week festive period, but advised that such costs had not been budgeted for in the current year.

In relation to Member's query regarding Project Gigabit, the AD: EDT&SP advised that her team has been working with Planners in an attempt to identify the owner of the new 5G mast in Cookstown. However, as the mast has no branding on it, it has not been possible at this juncture to identify which telecoms company owns it.

In response to Councillor Corry's comment regarding Broadband Working Group, the AD: EDT&SP advised that she is happy to convene a meeting of the Group but felt it would be appropriate to obtain the data sets from Department for the Economy first, so that staff could analyse these and be better briefed to meet Members of the Working Group.

Councillor Corry said that this made perfect sense and would be good to get this information.

Councillor Monteith said that he would be happy to second what Councillor Wilson had suggested regarding free carparking. The member said that he had long had the view that there should be free carparking in the town centre and there were issues raised previously regarding parking at Castlehill about people parking all day but free for 2 hours would sort this issue out. The member asked that this be investigated as a matter of urgency and if not workable then revert back to 10 pence fee.

Councillor Monteith asked for Ann Street DEA meeting to be reinstated again to discuss proposals as there hasn't been a meeting before the elections in May.

The Chair advised that there had been requests received looking different subgroups to be reconvened again.

It was:

Proposed by Councillor Corry
Seconded by Councillor Gildernew and

- **Christmas Off Street Car Parking Charges Dungannon & Magherafelt**

Resolved That it be recommended that approval be given to investigate costs associated with free carparking in Dungannon and Magherafelt town centres during the festive period as a matter of urgency. In the event of this not being workable approval be given to the temporary reduced tariff for the First 3 Hours of 10 pence in all Off Street Pay and Display Car Parks in Dungannon and Magherafelt from Saturday 25 November 2023 to Saturday 6 January 2024 (6-week period) at a cost to Council of £24,000.

- **TV Christmas Promotional Campaign for Retail and Hospitality**

Resolved That it be recommended to Council to approve the development of a high-profile Christmas Promotional Campaign (involving TV and other social media channels) to support the Retail and Hospitality sectors during the festive period at an approximate cost of £35,000 with funding from Council's Economic Development budget.

- **Tourism Trade and Consumer Shows/Events 2023/2024**

Resolved That it be recommended to Council to approve Officer attendance at the various Tourism Trade and Consumer Shows/Events in 2023/2024 as detailed in the report, at a cost of circa. £10,000 from Council's Tourism budget.

- **Project Gigabit – Public Review**

Resolved That it be recommended to Council to:

- (i) Note update on Project Gigabit
- (ii) Approve that delegated authority be given to Council's Chief Executive to sign and return the Non-Disclosure Agreement (NDA) to the Department for the Economy to enable release of Project Gigabit datasets, upon Council's legal team having satisfactorily completed their review of the NDA.

- **ICBAN – Peace Plus – DS3 Smart Town and Villages**

Resolved That it be recommended to:

- (i) Note progress of funding bid
- (ii) Approve a partner funding contribution to the Irish Central Border Area Network of up to £1,500 (sterling) towards costs associated with employment of a contractor to coordinate a major funding bid (circ.

€6 million) on behalf of the ICBAN region, related to Smart Towns and Villages.

Matters for Information

D135/23 Minutes of Development Committee held on 5 July 2023

Members noted Minutes of Development Committee held on 5 July 2023.

Councillor Corry referred to D108/23 Macmillan Move More and said that a meeting was due to take place in August and enquired if there was any further update from that.

The Assistant Director Health, Leisure & Wellbeing (AD: HL&W) advised that all of the Councils were in the same boat at the minute as still waiting on proposals coming forward from Macmillan and or other agencies. As members may know the current Macmillan funded programme is due to finish on the 31st March 2024 and was something that Council was pushing hard with the funder to establish what their plans were. The AD: HL&W said that just over 18 months ago there was an extension put forward on that scheme with additional funding and indeed Council also contributed as part of that funding extension. The AD: HL&W advised that there was no update yet but was something that Officers were currently working on and as soon as there is any update this would be brought back through this committee. Councillor Monteith referred to D106/23 and the British Military mast at Castlehill and asked if there was any update from the Consultant and if not, proposed that Council initiate contact with Consultant to try and move this forward as once again this was one of the issues constantly a victim of drift.

The Chair said that he thought that more information had come back and members hadn't received it.

The Assistant Director of Development (AD: Dev) advised that Officers have been liaising back and forward, not with the Consultant, but with the agency. She stated that there was an issue in terms of costings and bringing the Consultant on board. The AD: Dev confirmed that liaisons has taken place but hasn't been finalised yet and an update would be forwarded to members.

D136/23 Affordable Warmth Scheme

Members noted previously circulated report which provided an update on the ending of Councils involvement with Affordable Warmth Scheme.

Councillor Corry advised that a number of members had met with the Housing Executive regarding them taking over this scheme from Council and the great work that this Council had done through the area in being able to provide for our constituents. The member stated that from the scheme has been taken over by the Housing Executive she had a number of people contacting her regarding difficulties about getting through to the scheme and when she tried herself she was advised that they had been inundated by the volume and asked if she provide numbers and contact for residents who were in contact with her, but she was unable to do that.

The member said that it may be interesting to possibly have a future meeting with the Housing Executive again just to see any impacts that this scheme was having and whether it was reaching the same levels as it did before and if not what they were going to do to address this issue.

The Chair concurred with Councillor Corry's comments and said that it would be interesting to see how the Housing Executive was squaring up to what we were doing over the past few years.

Councillor Burton noted where the Housing Executive were saying that anyone who was not fully processed by Council Officers that their application literally starts from scratch again. The member said that she would be interested to know how many people were in that limbo place as she was aware of residents who were granted approval through an Officer as they had met the criteria and unfortunately the work hadn't just started and enquired if these people would be in the same place if the actual work hasn't been completed and having to go through the whole process again. The member said that bearing in mind that we were coming into the winter months and would be amazed at how many people who will contact Councillors to say that they have no form of heating in their house other than an open fire at this stage. The member stated that this was something that really needed to be taken on board and fight for constituents.

The Assistant Director Health, Leisure & Wellbeing (AD: HL&W) advised that Council has been given the assurances that any applications that Council Officers has recommended across the department and met the eligibility criteria, wouldn't have to restart their application process as they were already in the system. This was for anyone who had made an enquiry to Council Officers who were possibly sitting on a waiting list that were due to get their application assessed, regrettably it was those individuals that have been told that they need to restart their application and their eligibility request from the start. The AD: HL&W stated that all Councils has pushed very hard on this with the department and regrettably that has fell on deaf ears. Officers has been in touch with all those individuals and explained the referral process and they still remain on hand to guide and talk them through that even though the relevant staff member has moved on from this post.

The AD: HL&W advised that when meeting took place with representatives from DfC and Housing Executive on 31st July, part of the commitment was that we would invite them back to a future Development Committee in the Autumn where they would provide the Council with an update on how the transition period has went and provide members with an opportunity to further scrutinise that. The AD: HL&W said if members were minded, he could certainly reach out to them and make a request for a future deputation to this committee as agreed back in July.

Councillor Forde said that she would second the proposal made by the AD: HL&W.

Resolved That it be recommended to Council that an invite be issued to DfC and Housing Executive to come back to Development Committee with an update on the transition of the Affordable Warmth Scheme as agreed back in July.

D137/23 Economic Development Report – OBF1

Members noted previously circulated report which provided an update on key activities as detailed below:

- Mid Ulster Labour Market Partnership (LMP) – Action Plan 2023-24
- Rural Business Development Grants Scheme 2023

The live broadcast ended at 7.55 pm.

Local Government (NI) Act 2014 – Confidential Business

Proposed by Councillor Clarke
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 D138/23 to D142/23.

Matters for Decision

D138/23 Development Report – Community Grants
D139/23 Tender for Play Park Facilities
D140/23 Altmore/Cappagh Tender Award

Matters for Information

D141/23 Confidential Minutes of Development Committee held on 5 July 2023
D142/23 Economic Development Report – CBF1

D143/23 Duration of Meeting

The meeting commenced at 7pm and concluded at 8.08 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

Report on	Conferences, Seminars & Training
Date of Meeting	28 September 2023
Reporting Officer	Joseph McGuckin, Head of Strategic Services & Engagement
Contact Officer	Eileen Forde, Member Support Officer

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

1.0	Purpose of Report
1.1	Provide an update on seminars and conferences received. To seek approval for (i) elected member attendance and the payment of registration/ attendance fees and associated costs, as incurred and, (ii) council officer approvals.
2.0	Background
2.1	Costs associated will be set against 2023-2024 member Conference, Seminar and Training allocations.
3.0	Main Report
3.1	Approval for Consideration of Attendance by Elected Members There are occasions when it is beneficial to the council for Officers to attend conferences and seminars. Members are asked to consider engaging in NILGA Regional Training as outlined in Appendix A.
3.2	Officer Approvals 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.
4.0	Other Considerations
4.1	Financial, Human Resources & Risk Implications 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
4.2	Screening & Impact Assessments
	Equality & Good Relations Implications: not applicable
	Rural Needs Implications: not applicable
5.0	Recommendation(s)
5.1	Approval for attendance at the conferences, seminars and training by members and council officers as required.
6.0	Documents Attached & References
	Appendix A Member Conferences, Seminars & Training Appendix B Staff Conferences, Seminars & Training

Member Training

Provider/Course	Date & Time	Location	Costs	Attendee Requests
NILGA Leadership Programme for Councillor Development	Oct 2023 – May 2024	Various	Programme £675 Accreditation £540	
NILGA Local Planning Leadership Programme for Councillors	Nov 2023 - April	Various	Programme £364 Accreditation £258	
NILGA Audit Training	6 October 2023	Digital/Online	No Charge	Cllr McConnell

NILGA Accredited Learning Provision 2023-24 - Indicative Costs

NILGA Leadership Programme for Councillor Development 2023-24	
	20 Participants (Per Participant Cost)
Programme Cost	£675
Accreditation Cost	£540
Total Cost	£1215

NILGA Local Planning Leadership Programme for Councillors 2023-24	
	30 Participants (Per Participant Cost)
Programme Cost	£364
Accreditation Cost	£258
Total Cost	£622

Please note that these are total costs required per participant from each Council.

NILGA Leadership Development Programme for Councillors 2023-24

What is this programme about?

The NILGA Leadership and Development Programme provides a unique training and development experience for councillors in Northern Ireland to help them address the challenges of their role.

The programme is based on a tested and highly accessible model, which helps councillors to improve their understanding of:

- *Context*: how to adapt their leadership styles and practices to the context and challenges of their own place, people and systems.
- *Theory*: what knowledge, skills and capabilities they need to be effective, based on rigorous conceptual and theoretical frameworks.
- *Practice*: how to increase their personal resilience and improve their practical response to challenges.

The programme therefore enhances councillors' strategic leadership and decision-making skills, making more effective their Council role, community champion activities and 'personal brand'.

How will this programme benefit me?

The programme will help you to develop the practical skills necessary to be a more effective councillor, to highlight what roles you currently play and should look to play in the future, and to overcome the major challenges and barriers you face in playing these roles.

You will have the chance to catch up with the latest thinking on local government leadership and to develop new approaches to your work as a councillor.

The Programme is deliberately ambitious – it aims to enable you to take a strategic approach to identifying, balancing and addressing the needs in your local area and making more effective use of the assets of local residents, community groups, local business, your political party (if you belong to one) and the Council.

The programme is also designed to help you to deal successfully with the operational problems faced by your constituents. Case studies and discussions with visiting speakers who have directly relevant experience of the issues will introduce new approaches, so that you are assisted to think and act differently and have more impact in tackling the problems you face.

Finally, the programme is CPD-accredited, so upon completion you will accumulate CPD credits to demonstrate your achievement.

Programme of workshops

Date	Time	Venue	Module
Friday 20 th October 2023	1 – 4pm	In - person tba	Module 1: Programme Induction The Role of the Councillor
tba, November 2023	tba	Online / Digital	Module 2: Leadership of Your Area
tba, December 2023	tba	Online / Digital	Module 3: Leadership of Your Community
tba, January 2024	tba	Online / Digital	Module 4: Leadership with Partners – We’re All in This Together
tba, February 2024	tba	Online / Digital	Module 5: Leadership of Place
tba, March 2024	tba	Online / Digital	Module 6: Leading the Improvement of Outcomes
tba, April 2024	tba	Online / Digital	Module 7: Leading the Improvement of Efficiency and Service Delivery
tba, May 2024	tba	In - person tba	Module 8: Developing Your Future Leadership Role

What commitment will the programme entail from me?

You will be expected to attend eight 3-hour workshops over 8 months, beginning in October 2023. About one hour’s preparation is required for each workshop (reading a short article or blog and preparing the answer to some questions relevant to the session). You will then gain CPD credits for your attendance. In addition, you will get 12 extra CPD credits if you make a short presentation in one of the final workshops, focusing on how you are improving your leadership in line with the lessons you have learnt from the programme.

What other participants have gained

NILGA believes this programme brings major benefits for all participants. And previous participants agree here are some comments from councillors who participated in previous programmes:

“... More recently I have had the opportunity to participate in and complete the NILGA Leadership Programme 2021-22 and I would recommend it to all new councillors. It provides the opportunity to work with some excellent facilitators but also to hear and share with other councillors of varying levels of experience and with a wide range of backgrounds and interests.

It allowed me the time and space to think about how and what my council was doing and provided me with the tools to raise issues with officers and also to suggest solutions. It was clear also that councils don’t work in a vacuum and that there is a lot to be gained from building relationships and partnerships with fellow councillors, officers, and other statutory agencies.

I would highly recommend this course to all councillors, as it has been developed from a sound academic and practical background and contains information and insights which I have found invaluable over the past few years.”

“The programme has been brilliant from start to finish, I have learnt a lot from it and from that learning I can actually make better decisions and get more involved in my role as a Councillor as I no longer shy away from the big decisions.”

“The use of data sources and the approach of identifying key skills in people where I do not have the strength in such. Also, the continual developing and learning in myself has been a great asset in both council and my professional role.”

“I found the course informative, and it helped me to understand my role as a Councillor and leader in my community. It was also really good to hear experiences and tips from Councillors in other areas.”

“... pushed me to make me even more self-aware ..., especially of my leadership style and how best to utilise this in different groups and situations. Particularly the power of influence and not control!”

“As a newly elected councillor I am still very much learning in the role. Content in the Programme helped me gain a better understanding of process and how to achieve outcomes.”

NILGA Local Planning Leadership Programme for Councillors 2023-24

What is this programme about?

The NILGA Local Planning Leadership Programme provides a unique training and development experience for councillors in Northern Ireland involved in council planning committees to help them address the challenges of their role.

Since 2015, councils have responsibility for the following key planning functions:

- Local plan-making (Local Development Plan – LDP) – sometimes referred to as ‘forward planning’.
- Development management (excluding regionally significant applications)
- Planning enforcement

Councillors that sit on planning committees will be tasked with assessing the different benefits and impacts of planning applications, weighing up these considerations against regional policy and the policies published in your published local development plan (LDP). It is vital you therefore have a sound understanding of the planning system. The Programme is based on a tested and highly accessible model, which helps councillors in this regard.

The delivery of this programme will be interactive and interesting for Councillors allowing them to learn from case studies, ask questions regularly and to undertake role play in workshops. Delivery will include:

- *Short presentations using PowerPoint.*
- *Discussions*
- *Case studies and benchmarking practice in other jurisdictions.*
- *Workshops with role play.*
- *Question/answer sessions.*
- *Mock appeal.*
- *Handouts in paper form.*
- *Summary notes of discussions at each session and suggestions for further training.*
- *Optional study trip.*

The programme therefore enhances councillors’ strategic leadership and decision-making skills, making them more effective decision makers in their planning committee role, place shaping activities and overall competence in local development planning.

How will this programme benefit me?

The programme will improve your understanding of the plan making system and role in the process as civic leaders. It will enable you to participate effectively and take the lead in making robust and defensible decisions about the future of your council area.

You will have the chance to increase your understanding about what Council's priorities for statutory plan making could and should be. Participation will help in your role to ensure Council effectively manages the planning process and does not breach any statutory requirements or fail to get the plan through to adoption in a timely manner.

The programme will make the linkages, both statutory and practical, between community planning and the statutory local development planning being carried out by Councils and your strategic leadership role as a councillor. Further linkages with planning activities carried out by the Department for infrastructure and by Department for Communities at regional and local level will also be explained. As a result, councillors and their councils will be better enabled to demonstrate 'joined up' good governance and the delivery of planning and related activities in a holistic way.

Regarding development management, the programme will improve your understanding of the development management system, enhancing your strategic leadership decision-making capacity for the delivery of Council's planning objectives as set out in its policies, its emerging Local Development Plan and in regional guidance. Councillors will also have improved understanding of the enforcement process and when enforcement action is desirable.

The programme is also designed to help you reduce Council's vulnerability on appeal in the interests of minimising the possibility of award of costs at appeal, as well as Council's vulnerability in relation to maladministration of their planning powers.

The programme is deliberately ambitious in its aim to help to safeguard Council's reputation as responsible decision maker across a range of interrelated areas of local government.

The impact and success of the training will be monitored at an individual level through returned course evaluation forms and improved understanding demonstrated in workshops.

Finally, Councillors who successfully complete the entire course to a satisfactory standard will be credited with an Institution of Leadership and Management (ILM) Endorsed Award.

Programme of workshops

Date	Time	Venue	Module
Friday 17 th November 2023	2 – 4.30pm	In – Person tbc	Module 1: Understanding Plan Making and Role of Councillors Understanding the LDP process from draft stage to adoption.

15 th December 2023	2-4.30pm	Online /Digital	Module 2: How the Local Development Plan is Linked to Community Planning and Regeneration Activities
26 th January 2024	2-4.30pm	Online / Digital	Module 3: Understanding Development Management: The Planning Process and the Role of the Councillors Understanding Planning Conditions and Planning Agreements and the Role of the Planning Committee The Statutory Enforcement Process and the Role of the Planning committee
23 rd February 2024	2-4.30pm	Online / Digital	Module 4: Understanding the Statutory Appeal System
29 th March 2024	2-4.30pm	Online / Digital	Module 5: Maladministration charges to the Ombudsman and the Judicial Review of Planning
tba April 2024	Study Trip to the Republic of Ireland		Study Trip

What commitment will the programme entail from me?

You will be expected to attend five, two-hour and a half hour workshops over 5 months, beginning in November 2023. The programme also includes a study trip to the Republic of Ireland, which is optional.

At each workshop you will receive a workbook assessment sheet with some case studies and questions related to the workshop content. To achieve the ILM accreditation, you will be required to submit at least three of these workbook assessment sheets, completed to the required standard, by a date agreed with the course co-ordinator at the final workshop.

What other participants have gained?

NILGA believes this programme brings major benefits for all participants. And previous participants agree, here is a testimonial from a councillor who participated in previous programmes:

‘My first venture into representative politics was during the Local Government elections in 2001, when to my surprise and delight, I was elected to Fermanagh District Council. Since then, I have remained as a representative in local politics and now sit on the re-formed Fermanagh and Omagh District Council.

Politics forms a large part of my working week, however when not engaged in the political arena, I am involved in the construction industry working in property as a quantity surveyor/project manager/property developer. Construction is a very fulfilling profession and I have been privileged to work on many projects over the years that have challenged and developed me on a personal level. The skills and core competencies developed through this

work have better equipped me for my role as a councillor, and I have developed an interest and expertise in related matters such as planning and land use.

NILGA as well as being the voice of Local Government also provide support and training modules for councillors. The recently developed ILM (Endorsed Award) NILGA Local Planning Leadership Programme has proved to be an excellent platform to enhance and widen the knowledge and skill base of participants. The interactive nature of the course allowed learning by instruction, participation and sharing of experiences by all of those involved. The content was pitched at the right level and covered the complete range of subject matter that councillors need to have knowledge of and be competent in. It highlighted the serious nature of the work and how it related to Community Planning.

I found that through participation in the course my own appreciation of and competence in the area of planning and related subject matter has greatly increased. For those wanting to broaden their horizons in planning it is a must do activity. I would recommend it to anyone as I have thoroughly enjoyed the experience.

Looking forward the course has helped me to be more confident not only in planning matters but as a councillor in general, allowing me to better fulfil the role for my community.'

Cllr Robert Irvine

(Fermanagh and Omagh District Council)

NILGA amongst many other things, provides training support for councillors. I attended the ILM accredited NILGA Local Planning and Leadership Programme, which was excellent. Having previously had some knowledge of planning, this programme certainly enhanced and widened my knowledge of the subject. One of the modules was with a Planning Commissioner from the Planning Appeals Commission. I found this module to be extremely informative and overall, I thoroughly enjoyed the entire course and can wholeheartedly recommend the course to any councillor, especially those elected for the first time, if they are on the planning committee.

Cllr Thomas Gordon

(Mid and East Antrim Council)

For more information

The NILGA Local Planning Leadership Programme 2023-24, detailed prospectus is available on the NILGA Website. All interested parties can contact Fiona Douglas (f.douglas@nilga.org) to discuss further.

Calling all Audit Committee Councillors

Digital / Online,

Friday 6th October 2023

12.30 - 2pm

In the interests of good governance, financial sustainability and risk management, council audit committees play a vital role. Councillors meaningful participation, oversight and scrutiny on these committees are key to ensuring statutory obligations are met and challenges anticipated and mitigated against.

To fulfil this role, audit committee councillors need to scrutinise and challenge pertinent matters contained in numerous reports, which are presented to the Audit Committee. This involves having a good knowledge and grasp of the issues and feeling confident to scrutinise and challenge where needed.

In collaboration with the Local Government Auditor, NILGA is coordinating a lunchtime session for councillors involved in audit committees.

Delivery of this session will be interactive, allowing councillors to learn by asking questions regularly and recounting their own experiences. Learning and discussions will be relevant to the councillor unique role and participation aims to improve understanding of what audit committee oversight and scrutiny is, why it's important, how to do it and what support is available.

**Hosted by NILGA with support from the LGTG
(Local Government Training Group), these FREE events are open to all
Elected Members.**

Interested members contact Fiona Douglas: f.douglas@nilga.org

Disclaimer

The Northern Ireland local government association (NILGA) endeavours to ensure that the information contained within our website, policies and other communications is up to date and correct. We do not, however, make any representation that the information will be accurate, current, complete, uninterrupted or error free or that any information or other material accessible from or related to NILGA is free of viruses or other harmful components. NILGA accepts no responsibility for any erroneous information placed by or on behalf of any user or any loss by any person or user resulting from such information.

Appendix B

Approval – Conferences – September 2023

Retrospective Approvals

Details of Conferences	Service/ Directorate	No. Attending	Cost	Date	Location
Royal Inst of Chartered Surveyors	Environment	1	£180	5 th Sept 2023	Belfast
NI Annual Planning Conference	Planning	4	2 X £115 1 X £90 1 X Free	6 th Sept 2023	Belfast
Site Visit to Sweden (AS Unit & Bus Refilling Gas Station)	Environment	1	Travel Subsist	19 th Sept – 21 st Sept 2023	Sweden

Approvals

CIPFA NI Annual Conference	Corporate Services & Finance	1	£245+vat	24 th October 23	Belfast
Centre for Better Ageing	Health, Leisure & Wellbeing	1	Free	22 nd November 23	London
Public Procurement Conference	Corporate Services & Finance	2	£189+vat	19 th October 23	Belfast
APSE Energy Scottish Summit	Chief Executive's	1	£272+vat + flights	3 & 4 th October	Glasgow
Irish Planning Institute	Planning	1	E 180	6 th October	Online

Report on	Consultations notified to Mid Ulster District Council
Date of Meeting	28 September 2023
Reporting Officer	Joe McGuckin, Head of Strategic Services & Engagement
Contact Officer	Ann McAleer, Policy Engagement and Equality Officer

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

1.0	Purpose of Report
1.1	To update members on the consultations notified to Mid Ulster District Council.
2.0	Background
2.1	Council is a consultee for many government departments, statutory agencies and other bodies, and as such receives consultation documentation inviting commentary on a wide range of issues that may be pertinent to council services and/or the District.
3.0	Main Report
3.1	Documentation relating to the aforementioned consultations can be accessed via the links provided in the table provided in Appendix A.
4.0	Other Considerations
4.1	Financial, Human Resources & Risk Implications
	Financial: N/A
	Human: N/A
	Risk Management: N/A
4.2	Screening & Impact Assessments
	Equality & Good Relations Implications: None
	Rural Needs Implications: None
5.0	Recommendation(s)
5.1	Members review and note consultations notified to Mid Ulster District Council.
6.0	Documents Attached & References
	Appendix A: Details of Current Consultations

Appendix A: Details of Current Consultations

Organisation	Consultation Title	Issue	Closing Date	Response Currently
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				Being Developed
The Executive Office	Consultation on a Strategic Framework to End Violence Against Women and Girls & Foundational Action Plan	The Executive Office are leading on the development of a Strategic Framework to End Violence Against Women and Girls. It sets the agenda for all of government and society to end violence against women and girls. It is ambitious, long term, and wide reaching. This document is intended to be a living document, which means it will be adapted along the journey according to emerging needs.	3 rd October 2023	No
	Link to Consultation	https://consultations.nidirect.gov.uk/teo/consultation-end-violence-against-women-and-girls/		
	Delegated Authority required to be granted to a Committee if Council agrees that a response should be made (where an extension is not given)?		Yes	
Organisation	Consultation Title	Issue	Closing Date	Response Currently Being Developed
DAERA	Consultation on Draft Regulations for Extended Producer Responsibility (EPR) for Packaging Scheme	The purpose of this consultation is to test the clarity of the obligations created in the regulations, and test their operability. These regulations implement the approach set out in the government's March 2022 EPR consultation response.	Monday 9 October 2023	No
	Link to Consultation	Consultation on the draft Producer Responsibility Obligations (Packaging and Packaging Waste) Regulations [2024] Department of Agriculture, Environment and Rural Affairs (daera-ni.gov.uk)		
	Delegated Authority required to be granted to a Committee if Council agrees that a response should be made (where an extension is not given)?		Yes	

Organisation	Consultation Title	Issue	Closing Date	Response Currently Being Developed
Department of Education	Relationships and Sexuality Education (RSE) Consultation	The Department of Education has launched a consultation on the circumstances and arrangements which would enable a parent/carer to excuse their child from receiving age-appropriate, comprehensive and scientifically accurate education on sexual and reproductive health and rights, covering prevention of early pregnancy and access to abortion.	24 November 2023	No
	Link to Consultation	https://consultations.nidirect.gov.uk/de/rse-consultation/		
	Delegated Authority required to be granted to a Committee if Council agrees that a response should be made (where an extension is not given)?		No	
Organisation	Consultation Title	Issue	Closing Date	Response Currently Being Developed
NISRA	Outputs Consultation	The consultation seeks views from users and stakeholders on a range of proposed changes to their statistical outputs.	15 October 2023	No
	Link to Consultation	https://www.nisra.gov.uk/outputs-consultation		
	Delegated Authority required to be granted to a Committee if Council agrees that a response should be made (where an extension is not given)?		Yes	
Organisation	Consultation Title	Issue	Closing Date	Response Currently Being Developed
Department of Education	The Statutory Guidance on the Reduction and Management of	In March 2022 DE issued guidance on the use of restrictive and supportive practices for educational	3 November 2023	No

	Restrictive Practices in Educational Settings Consultation	settings. The guidance aims to provide clarity on the use of restrictive and supportive practices in educational settings and has been written with the aim of reducing and minimising the use of restrictive practice, wherever possible.		
	Link to Consultation	https://consultations.nidirect.gov.uk/de/statutory-guidance-on-the-reduction-and-management/		
	Delegated Authority required to be granted to a Committee if Council agrees that a response should be made (where an extension is not given)?	No		
Organisation	Consultation Title	Issue	Closing Date	Response Currently Being Developed
Department for Infrastructure	Public Consultation on Proposal to Extend Validity of Ukrainian Driving Licences	This consultation has been launched to seek views on a proposal to extend the validity period of Ukrainian driving licences in Northern Ireland.	3 October 2023	No
	Link to Consultation	https://www.infrastructure-ni.gov.uk/news/public-consultation-proposal-extend-validity-ukrainian-driving-licences		
	Delegated Authority required to be granted to a Committee if Council agrees that a response should be made (where an extension is not given)?	Yes		
Organisation	Consultation Title	Issue	Closing Date	Response Currently Being Developed
Department for Communities	The Smoke, Heat and Carbon Monoxide Alarms for Private Tenancies Regulations (Northern Ireland) Consultation	The Department for Communities (DfC) is required under Section 8 of the Private Tenancies Act (Northern Ireland) 2022, to bring forward regulations to specify the type, condition and the number of fire, smoke, and carbon monoxide alarms to be installed in private rented properties. It will be an offence for a	6 December 2023	No

		private rented landlord not to comply.		
	Link to Consultation	https://consultations.nidirect.gov.uk/dfc/the-fire-smoke-and-carbon-monoxide-alarms-northern/		
	Delegated Authority required to be granted to a Committee if Council agrees that a response should be made (where an extension is not given)?	No		
Organisation	Consultation Title	Issue	Closing Date	Response Currently Being Developed
Department for Communities	The Electrical Safety Standards for Private Tenancies Regulations (Northern Ireland) Consultation	DfC is required under Section 10 of the Private Tenancies Act (Northern Ireland) 2022, to bring forward regulations to ensure a private rental property meets the required electrical safety standard. Electrical Inspections will be completed by a qualified electrician at least every 5 years. It will be an offence for a private rented landlord not to comply. Portable appliance testing is also recommended as good practice as part of the electrical safety checks.	6 December 2023	No
	Link to Consultation	https://consultations.nidirect.gov.uk/dfc/electrical-safety-standards-northern-ireland-202x/		
	Delegated Authority required to be granted to a Committee if Council agrees that a response should be made (where an extension is not given)?	No		
Organisation	Consultation Title	Issue	Closing Date	Response Currently Being Developed
Department for Communities	EQIA Consultation on the Pensions (Extension of Automatic Enrolment) Bill	The Department is consulting on a draft Equality Impact Assessment in respect of the Pensions (Extension of Automatic Enrolment) Bill. The	11 December 2023	No

		proposed Bill would amend the Pensions (No.2) Act (NI) 2008 ("the Act") so as to provide regulation making powers to the Department for Communities to lower the age at which qualifying workers are automatically enrolled into a workplace pension and reduce or abolish the Lower Earnings Limit of the qualifying earnings band contained in the Act.		
	Link to Consultation	https://www.communities-ni.gov.uk/consultations/consultation-pensions-extension-automatic-enrolment-bill		
	Delegated Authority required to be granted to a Committee if Council agrees that a response should be made (where an extension is not given)?		No	
Organisation	Consultation Title	Issue	Closing Date	Response Currently Being Developed
Department of Health	Recommendations from the Independent Review of Children's Social Care Services	The purpose of this consultation is to seek views on the majority of the recommendations of the report of the Independent Review of Children's Social Care Services in Northern Ireland.	1 December 2023	No
	Link to Consultation	https://www.health-ni.gov.uk/consultations/consultation-recommendations-independent-review-childrens-social-care-services-northern-ireland		
	Delegated Authority required to be granted to a Committee if Council agrees that a response should be made (where an extension is not given)?		No	

Report on	Correspondence to Council
Date of Meeting	Thursday 28 September 2023
Reporting Officer	J McGuckin Head of Strategic Services & Engagement
Contact Officer	E Forde, Committee & Member Services Manager

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

1.0	Purpose of Report
1.1	Provide an update on correspondence received for attention of Council.
2.0	Background
2.1	This paper refers to correspondence to be brought to the attention of Council. Items are referred to in 3.0 below.
3.0	Main Report
3.1	<p>Correspondence from Northern Ireland Local Government Association (NILGA)</p> <p>The Chair has received a response to letter sent by Council to Department of Justice in relation to the motion calling for Legislation in relation to hate Crime. Refer to Appendix A</p>
3.2	<p>Correspondence from Department for Infrastructure</p> <p>The Chair has received a response to letter sent by Council to the Department for Infrastructure in relation to All Island Strategic Rail Report. Refer to Appendix B.</p>
3.3	<p>Correspondence from Newry Mourne and Down District Council</p> <p>The Chief Executive has received a letter from Newry Mourne and Down District Council in relation to the response received from Northern Ireland Office with regard to the minimum age for voting. Refer to appendix C.</p>
3.4	<p>Correspondence from Pageant Master 80 D Day 2024</p> <p>The Chair has received correspondence from Pageant Master 80 D Day 2024 regarding Council's participation in a planned event to mark 80 D Day 2024. Refer to Appendix D and https://www.d-day80beacons.co.uk/</p>

3.5	<p>Correspondence from Department for Infrastructure</p> <p>The Chief Executive has received correspondence from the Transport and Road Asset Management Deputy Secretary Mr Colin Woods providing wider context, especially in relation to the Department’s budgetary position and its impact. Refer to Appendix E</p>
3.6	<p>Correspondence from Department of Finance</p> <p>The Chief Executive has received correspondence from the Department of Finance regarding the consultation on the draft Statutory Rule for the NICS Pension Scheme Retrospective Remedy (McCloud Judgment). Refer to Appendix F</p>
3.7	<p>Correspondence from Department for Communities</p> <p>The Chief Executive has received correspondence from the Department for Communities advising of the extension order to 24 March 2024 which will allow councils to continue to offer a remote/hybrid facility for meetings. Refer to Appendix G</p>
4.0	<p>Other Considerations</p>
4.1	<p>Financial, Human Resources & Risk Implications</p> <p>Financial: not applicable</p> <p>Human: not applicable</p> <p>Risk Management: not applicable</p>
4.2	<p>Screening & Impact Assessments</p> <p>Equality & Good Relations Implications: not applicable</p> <p>Rural Needs Implications: not applicable</p>
5.0	<p>Recommendation(s)</p>
5.1	<p>That Council notes and considers, as necessary, the correspondence received.</p>
6.0	<p>Documents Attached & References</p>
	<p>Appendix A: Department for Justice Appendix B: Department for Infrastructure: All Ireland Rail Network Appendix C: Newry Mourne and Down District Council Appendix D: Pageant for 80 D Day 2024 Appendix E: Department for Infrastructure: Budget impacts Appendix F: Department of Finance Appendix G: Department for Communities</p>

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**FROM THE PERMANENT SECRETARY
RICHARD PENGELLY CB**

Rm B5.10, Castle Buildings
Stormont Estate
BELFAST BT4 3SG
Tel: 028 9052 2992
email: richard.pengelly@justice-ni.gov.uk

Councillor Dominic Molloy
Chair, Mid Ulster District Council
Via e-mail: Eileen.Forde@midulstercouncil.org

Your Ref: C147/23
Our Ref: TOF-0383-2023
17 August 2023

Dear Councillor Molloy,

LEGISLATION RE. HATE CRIME

Thank you for your e-mail of 31 July 2023.

The Department of Justice notes the motion carried by Mid Ulster District Council condemning all aspects of hate crimes and sectarianism, including the burning of effigies, national flags and election posters on Eleventh Night bonfires and the call for legislation to be put in place to regulate illegal bonfires.

Addressing hate crime is a priority for the Department of Justice (DoJ). Following a commitment to review hate crime legislation in the draft Programme for Government 2016-21, work is progressing to bring forward a Hate Crime Bill to improve the effectiveness of the criminal justice response for victims and offenders. Given the complexity of topics engaged and desire to advance public engagement in the consultation process, the departmental consultation has been split into two phases. The first of two planned public consultations is now complete and a summary report on the consultation findings and (then) Ministerial approved way forward - which includes addressing sectarian offending within the context of hate crime law - has been published¹.

This work in the legislative sphere will complement and strengthen non-legislative work being taken forward to address hate crime, including by working collaboratively with partners in relation to tackling enabling factors of intolerance, prejudice and hate. A collective effort is required to ensure preventative and longer term solutions are in place to create the conditions where such incidents do not happen in the first place. The role of Councils in assisting this is important and welcomed.

In relation to the regulation of illegal bonfires, the DOJ has no direct responsibility for bonfires and no single Government Department has lead policy responsibility for bonfires. Whilst most bonfires pass off without incident and are enjoyed by many as a traditional celebration of cultural identity, some can become problematic by facilitating

¹ [Phase one summary of responses hate crime review legislation | Department of Justice \(justice-ni.gov.uk\)](#)



expressions of hate and generating anti-social behaviour, for both the communities in which they are located and neighbouring communities of a different tradition.

You will be aware of the Flags, Identity, Culture and Tradition (FICT) Report which makes a number of recommendations aimed at addressing a range of complex and longstanding issues, including bonfires. The Executive Office is the lead Department on this report and responsible for an Implementation Programme approved by the Executive.

In the meantime, you may wish to note that the Department for Communities, Department for Infrastructure, the Housing Executive, the Department of Justice, and the PSNI are signatories to a Bonfires Memorandum of Understanding (MoU). This was developed in 2020 to help align the collective efforts of Departments and agencies around reducing the harm associated with problematic bonfires. I will ensure that the recent motion by Mid Ulster Council is brought to the attention of the Bonfires MoU Group.

I hope this information provided is of assistance to you going forward.

Yours sincerely,

RICHARD PENGELLY CB



Department for

Infrastructure

An Roinn

Bonneagair

Department for

Infrastructurewww.infrastructure-ni.gov.uk**Public Transport Policy Division**

Councillor Dominic Molloy
Chair, Mid Ulster District Council
Via email to: Eileen.Forde@midulstercouncil.org

Ground Floor, Clarence Court
10-18 Adelaide Street
BELFAST, BT2 8GB
Tel: 028 9034 6247

Your reference:
Our reference: STOF-0359-2023

17 August 2023


Dear Councillor Molloy,

Thank you for your letter dated 1 August regarding the publication of the draft All-Island Strategic Rail Review report on 25 July.

We note the Council's support for this draft report and its recommendation to extend the railway into Tyrone, Derry/Londonderry, and Donegal. The Review anticipates that reinstating the railway between Portadown, Dungannon, Omagh, Strabane, Derry/Londonderry and Letterkenny would connect the railway to many communities and support direct services between Dublin, Belfast, Derry/Londonderry and Letterkenny.

It is, however, important to note that the AISRR's recommendations do not represent official policy. Rather, they are intended to inform policy and strategy for the future development of the railways in the coming decades.

The AISRR consultation is now open until 11.59pm on Friday 29 September 2023 and I would encourage you to submit your feedback in relation to the benefits you feel this presents for the Mid Ulster District Council area. Full details about how to respond can be found at:

 <https://www.infrastructure-ni.gov.uk/consultations/all-island-strategic-rail-review-strategic-environmental-assessment-and-draft-report>

I trust this response is helpful.

Yours sincerely,
pp Orla Gray

Jackie Robinson
Director, Public Transport Policy Division

Marie Ward
Chief Executive



Comhairle Ceantair
**an Iúir, Mhúrn
agus an Dúin**
**Newry, Mourne
and Down**
District Council

Our ref: C/075/2023

21 August 2023

Dear Sir/Madam

Re: Notice of Motion – Reduction in Minimum Voting Age

Newry, Mourne and Down District Council has extensively discussed the following motion since it was passed in March 2023:

"Newry Mourne and Down District Council calls for the voting age of 18 to be reduced to 16 and if this motion is adopted seeks the support of the remaining councils in Northern Ireland to write to the Secretary of State calling him to amend the necessary legislation to enable 16 year old and upwards to vote".

At its recent Council Meeting on 7 August 2023 dismay was voiced at the most recent response from the NIO stating the UK Government position remained the same.

As a result, it was agreed to write to all the political parties Conservative, Labour, Lib Dems, Greens, the Welsh, Scottish and parties represented at Council and seeking the support of Independents to so the same and copying in the 10 other Councils in Northern Ireland to write to all concerned parties calling for their commitment to reduce the voting age to 16.

I would ask that you give this matter serious consideration and I look forward to your response.

Yours faithfully

Marie Ward
Chief Executive

CC:

Scottish Labour Party
Scottish Conservative
Scottish National Party
Scottish Greens
Scottish Lib Dems
Welsh Labour
Welsh Conservatives
Plaid Cymru
Welsh Liberal Democrats
Conservatives
Labour
Liberal Democrats
10 Northern Ireland Councils

Oifig an Iúir
Newry Office
O'Hagan House
Monaghan Row
Newry BT35 8DJ

Oifig Dhún Pádraig
Downpatrick Office
Downshire Civic Centre
Downshire Estate, Ardglass Road
Downpatrick BT30 6GQ

0330 137 4000 (Council)
council@nmandd.org
www.newrymournedown.org

Ag freastal ar an Dún
agus Ard Mhacha Theas
Serving Down
and South Armagh

From: _____
To: _____
Subject: _____
Date: _____
Attachments: _____



From: Bruno Peek <brunopeek@mac.com>
Sent: Thursday, August 10, 2023 7:56 AM
To: chair@midulstercouncil.org
Subject: Fwd: MID ULSTER DISTRICT COUNCIL, NORTHERN IRELAND & D-DAY 80 - 6TH JUNE 2024



Councillor Dominic Mollory
Chairman
Mid Ulster Borough Council

10th August 2023

Dear Councillor Mollory,

RE: NORTHERN IRELAND & D-DAY 80 - 6TH JUNE 2024

Further to my email to you dated 13th July regarding your Councils possible involvement in the lighting of a Beacon at 9.15pm on 6th June next year as part of D-Day 80, I have pleasure in attaching the up to date Guide To Taking Part, and can confirm that the Guide, Logo and Certificate of Grateful Recognition being given to those taking part, is also available to download from - www.d-day80beacons.co.uk too.

As you are aware, brave men from Northern Ireland played an important role in the D-Day landing eighty years ago on 6th June 2023, so we do hope that the fine District of Mid Ulster will take part, using this occasion to pay 'tribute' to those from Northern Ireland that gave so much to ensure the freedom we all enjoy today, especially as the beacons represent the 'light of peace' that emerged from the darkness of war.

If you do wish to participate, would you be kind enough to ask your office to confirm the following please.

NAME OF COUNTRY: NORTHERN IRELAND

Name of Council:

Name of Contact:

Tel:

Email:

Beacon Location

Public or Private occasion:

We look forward to receiving your decision.

My warmest regards,

Bruno Peek

Bruno Peek CVO OBE OPR
Pageantmaster
D-Day 80
6th June 2024
Telephone: + 44 (0) 7737 262 913
Email: brunopeek@mac.com
www.d-day80beacons.co.uk





Clarence Court
10-18 Adelaide Street
BELFAST
BT2 8GB

Telephone: (028) 9054 7873
Email: Colin.Woods@infrastructure-ni.gov.uk

Your reference:
Our reference:
Date: Thursday, 21 September 2023

**From the Transport and Road Asset Management Deputy Secretary
Mr Colin Woods**

Adrian McCreesh
Chief Executive
Mid-Ulster Council

Via email: chief.executive@midulstercouncil.org

Dear Mr McCreesh,

DfI Transport & Roads Update to Mid-Ulster Council

Ahead of the updates the Divisional Roads Managers will be providing to Councils, I'd like to offer some wider context, especially in relation to the Department's budgetary position and the impact that has on our work.

DfI's Financial Position and the impact on Roads Functions

The Department is managing a 14% reduction in its 2023-24 resource budget allocation when compared to 2022-23 on a like for like basis. Significant action has been taken to reduce spending across all areas, and fares and other charges have been increased to help sustain essential services. Having done all of that, the Department is still facing a large funding gap against its resource budget allocation.

In July 2023, the Department published on its website an Interim Consultation Report of the equality implications arising from a range of options on the possible reduction of services. This Report recognised the impact of these potential reductions to Winter Service provision, road maintenance and flood risk management to emergency levels only, and turning off streetlights, which would affect all road users and communities. It is important to note that these options are decisions which are not currently within the power of senior officials to take.

Due to the Department's budget position, we have had to take the decision to continue with a Limited Service on road maintenance activities such as defect repairs, like potholes, and gully emptying. At this stage it is planned that winter service will continue as before, though a large volume of vacancies and the impact of industrial action could place that service under additional strain.

The Department's 2023-24 Capital budget is also well below our requirement. The opening Capital budget for structural maintenance of the road network is £85m, which is welcomed but still falls well short of the £143 million required annually to maintain the road network in a reasonable condition. Budget has also been made available for things

like Local Transport Safety Measures, though our capacity is more limited than we may wish it to be. The constrained budget position also means that the Department is unable to fill posts becoming vacant through retirement or other departures; with over 400 vacancies in my Group alone you will appreciate how this impedes our ability to offer the level of services that we would wish across the full range of responsibilities.

The Strategic Direction for Transport

I am mindful of the need to develop our strategic and policy thinking to manage the impact of budget constraints and set out what the Department believes the future of transport should be. Later this year the Department hopes to publish a Transport Strategy for public consultation. It is an overarching framework which will inform the planning and delivery of transport infrastructure and services across Northern Ireland up to 2035.

While the historic focus has been on the how the network facilitates the movement of private cars, responding to the challenge of climate change and our new legal obligations to deliver net-zero by 2050 means that we need to think hard about how we view and engage with the transport network.

Through the Climate Change Act (NI) 2022 the Assembly has set out a target of net zero greenhouse gas emissions by 2050, along with interim targets including at least a 48% reduction in net emissions by 2030. There is a legal requirement on all Northern Ireland departments to exercise their functions, as far as is possible, in a manner consistent with the achievement of the targets of the Act and carbon budgets set under it.

Given that transport is the second highest emitter of greenhouse gases, DfI and its partners have a major role in ensuring Northern Ireland is able to achieve the overall target. The rapid decarbonisation of transport represents the single greatest challenge facing the planning and management of our transport network since it developed into the modern network we recognise today. As such, the decarbonisation of transport is likely to be the single largest strategic driver for our work over the next decade. The Transport Strategy will aim to support this strategic direction for all involved in the transport sector. The scale and pace of the change necessary to reduce our transport emissions to the levels necessary should not be underestimated.

It will be crucial for the Department and local government to work together to deliver the aims of Transport Strategy. The emerging Transport Plans, which will link in with the development and timing of your Local Development Plan, are a key delivery mechanism. They will seek to apply the carbon and modal hierarchies in a pragmatic way to deliver proposals for a multimodal sustainable transport network across Northern Ireland that will support the development of local communities and economies. This approach will describe how active travel and improved public transport can retain and enhance the function of the transport network.

Development of Active Travel Infrastructure

The Climate Change Act states that, *“The Department for Infrastructure must develop sectoral plans for transport which set a minimum spend on active travel from the overall transport budgets of 10%”*. This obligation is a significant increase in active travel spend and extensive efforts are being made to ensure that we scale up our delivery capacity

from a relatively small base. We must also fully understand the consequential impact on other areas of transport spend that may need to be reduced in order to provide the investment in Active Travel.

The Department is working closely with Councils to better understand their five-year Active Travel programme and developing an appropriate grant and support framework for the delivery of greenways. We have commissioned a Northern Ireland wide Active Travel Network Delivery plan which is due for consultation in 2024. When complete, this will provide a firm basis for the prioritisation of the delivery of high quality active travel infrastructure within, and connecting, our towns and cities. The plan will complement and take account of the Belfast Cycle Network Delivery Plan and the greenways network. Steps are currently being taken to ensure increased planning, design and delivery resource moving forward, including additional consultancy support capacity.

Strategic Asset Management Plan for the Road Network

All of this activity takes place in the context of the budget challenges that I have already described, as well as all of the other work that goes into managing an asset worth over £30Billion. The underinvestment in the road network over the past decade increases the need for a sound strategic approach to the allocation of resources, and the delivery of services.

The Department plans to consult with the wider public this year to gain views on a Strategic Assessment Management Plan for the Road Network Asset. The draft Plan aims to outline the key principles that will guide the work of the Department in the development of its maintenance and development functions at an operational level. Understanding our approach to managing the road network at a strategic level will complement other strategic transport plans, ensure we are thinking consistently about the key drivers for change, and inform the implementation of future transport planning decisions.

Hopefully, the document and subsequent consultation will generate comment on aspirations for a future road network, whilst balancing constrained resources, an expanding asset base, maintenance backlogs, and current levels of service delivery.

If it would be helpful in engaging with these matters, I would be very happy to accompany my colleague Daniel Healey when they present their annual report to the Council at the annual meeting, on Thursday 28 September 2023, and to try and answer any additional questions that you may have.

Yours sincerely



COLIN WOODS

**Civil Service Pensions**

Waterside House
75 Duke Street
Londonderry BT47 6FP
Tel: 028 7131 9000
E-mail: cspensions@finance-ni.gov.uk
Web address:
www.finance-ni.gov.uk/civilservicepensions-ni

(By E-Mail)

21 September 2023

Dear Consultee,

I am writing to notify you of the publication of the response to the consultation on the draft Statutory Rule for the NICS Pension Scheme Retrospective Remedy (McCloud Judgment). Previous correspondence issued to you in April advised that the Department of Finance had launched a consultation on 3 April 2023 on the draft Statutory Rule for the Retrospective Remedy in relation to work to remove the discrimination identified in the judgment known as "McCloud". To ensure the legislation dictated under the Public Service Pensions and Judicial Offices Act 2022, scheme-level legislation was required to implement the second stage of the 2015 Remedy and give in-scope pension scheme members a choice of their benefits from 2015-2022.

The consultation closed on 02 June 2023 and 98 responses were received. After careful consideration of the responses received the Department of Finance will continue with the proposed scheme amendments through the Statutory Rule, which will be made and laid in advance of 1 October 2023. This will restore eligible pension members with service between 1 April 2015 and 31 March 2022 to a position they would have been in had the discrimination not occurred, giving them a choice of alpha or PCSPS(NI) benefits for 2015-22.

You can find more information about the consultation and published response documents below:

www.finance-ni.gov.uk/consultations/nics-retrospective-remedy

Yours sincerely

A handwritten signature in black ink, appearing to read 'Peter Philip', written over a white background.

Peter Philip
Civil Service Pensions Policy, Legislation and Communications

To: Council Chief Executives

Causeway Exchange
1-7 Bedford Street
Belfast
BT2 7EG

Telephone: (028) 90582 3346
e-mail: anthonycarleton@communities-ni.gov.uk
Our ref:
Date: 21 September 2023

Dear Chief Executive

Council Remote/Hybrid Meetings

Further to my letter of 24 March 2023.

Section 78 (local authority meetings) of the Coronavirus Act 2020 contained provision to provide councils with the flexibility to hold meetings by remote or hybrid means during the Coronavirus emergency. This included an enabling power for the Department to make subordinate legislation regarding remote/hybrid meetings and the Local Government (Coronavirus) (Flexibility of District Council Meetings) Regulations (Northern Ireland) 2020 were subsequently made and came into operation on 1 May 2020.

The expiry date of section 78 (Local Authority Meetings) of the Coronavirus Act 2020 was previously extended to 24 September 2023, thus allowing councils to continue to hold remote/hybrid meetings under the Local Government (Coronavirus) (Flexibility of District Council Meetings) Regulations (NI) 2020.

This was intended as an interim measure until such time as proposals for more permanent legislation, made under section 2 of the Local Government (Meetings and Performance) Act (NI) 2021, could be considered by a Communities Minister. In the absence of the Assembly, it has not been possible to make permanent appropriate regulations.

The Coronavirus Act 2020 (Extension of Provisions Relating to Local Authority Meetings) (No. 3) Order (Northern Ireland) 2023 was made on 21 September 2023. This extension order has been made to extend section 78 of the Coronavirus Act for a further 6 months until **24 March 2024** which will allow councils to continue to offer a remote/hybrid facility for meetings.



As previously highlighted, an Order to extend section 78 of the Coronavirus Act is subject to the confirmatory procedure in the Assembly and, whilst it comes into operation once made, it will cease to have effect 40 days from the date of making unless it has been approved by resolution of the Assembly (the 40 day period does not include any time in which the Assembly is dissolved, in recess for more than 4 days or adjourned for more than 6 days).

The Department will continue to monitor the situation and keep councils informed.

Yours sincerely

Anthony Carleton
Director
Local Government & Housing Regulation

