



16 April 2024

Dear Councillor

You are invited to attend a meeting of the Council to be held in The Chamber, Dungannon at Mid Ulster District Council, Council Offices, Circular Road, Dungannon, BT71 6DT on Thursday, 28 March 2024 at 19:00 to transact the business noted below.

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

Matters for Decision

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| 5. | Council Minutes of meeting held on 22 February 2024 | 5 - 20 |
| 6. | Planning Committee minutes of meeting held on 5 March 2024 | 21 - 52 |
| 7. | Policy & Resources Committee minutes of meeting held on 7 March 2024 | 53 - 58 |
| 8. | Environment Committee minutes of meeting held on 12 March 2024 | 59 - 66 |
| 9. | Development Committee minutes of meeting held on 14 March 2024 | 67 - 92 |

10. Conferences, Seminars and Training	93 - 100
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Matters for Information

11. Correspondence Report	101 - 124
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Notice of Motions

12. Councillor McLernon to move
Addressing the Lack of Respite Provision for Adults with Learning Difficulties, Complex Needs and Challenging Behaviour:
That this council recognises the inadequate provision of respite services with adults with learning difficulties, complex needs and challenging behaviour within the Southern Trust Area;
- acknowledges that in the Dungannon area of the Mid-Ulster District Council the only facility that provides short breaks for those who are 18 years and over with learning difficulties, complex needs and challenging behaviour is an eight-bed facility at Woodlawn House, Dungannon;
 - notes with deep regret the occasion that arose before Christmas 2023, that resulted in families having their respite provision cancelled at short notice by the Southern Health & Social Care Trust;
 - further acknowledges that respite provision is not a luxury, but a necessity for unpaid carers in our community;
 - further notes that the demand for services is increasing year on year, with more children with learning difficulties, complex needs and challenging behaviour entering into Adult Services;
 - recognises the hard-work, and dedication of staff members based at Woodlawn House in Dungannon, and all the staff throughout the Trust area who work with adults with learning difficulties, complex needs and challenging behaviour;
 - accepts the need to address the inadequate provision of adult respite provision in the Southern Health & Social Care Trust, and the need for forward planning, additional investment and ring-fencing of these services;
 - and calls on the Minister of Health to develop a plan that will address the lack of adult respite provision within the Mid-Ulster District Council area;
 - and further calls on the Minister of Health to provide additional investment into these services to ensure that families can avail of more regular respite provision, that is protected, and not at risk of cancellation.

13. Councillor Mallaghan to move
That this Council accepts that remote/hybrid meetings allowed for participation in Council meetings to be more accessible for both council members and council staff; recognises that hybrid/remote meetings contribute positively to making political office more accessible, particularly to women who disproportionately have caring responsibilities;
notes with concern the late decision of the Minister of Communities not to extend the temporary provisions which enable councils to hold remote/hybrid meetings;
further notes with disappointment that the Minister of Communities has not yet used powers available to him under the Local Government (Meetings and Performance) Act (NI) 2021 to progress regulations ensuring council meetings may be held remotely;
understands, as a result of the decision by the Minister for Communities, that remote/hybrid meetings will not be available to council after the 6th March;
calls on the Minister for Communities to urgently progress regulations providing for hybrid/remote meetings for councils.
14. Councillor Johnston to move

"That this council;
Supports the calls for a Public Inquiry into the murder of Sean Brown."
Writes to the British Prime Minister demanding a Public Inquiry, as requested by Mr Justice Kinney.
15. Councillor Cahoon to move
That this Council
(i) considers increasing fines for dog-fouling, littering, and fly-tipping and
(ii) considers outsourcing enforcement of this issue to an outside company to enhance enforcement levels.
This follows The Environmental Offences (Fixed Penalties) Regulations (NI) 2022 which enables local authorities to increase penalties from £80 to £200.

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

16. Council Confidential minutes of meeting held on 22 February 2024
17. Planning Committee confidential minutes of meeting held on 5 March 2024
18. Policy & Resources Committee confidential minutes of meeting held on 7 March 2024
19. Environment Committee confidential minutes of meeting held on 12 March 2024
20. Development Committee confidential minutes of meeting held on 14 March 2024
21. Audit Committee confidential minutes of meeting held on 19 March 2024
22. Document for Sealing: Grahams ICT Contract for Maghera Wetlands Park and Walled Garden Enhancements (Phase 1)

Matters for Information

Minutes of Meeting of Mid Ulster District Council held on Thursday 22 February 2024 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 (7.04pm), Cahoon, Carney, Clarke*, Corry, Cuthbertson, Forde*, Gildernew, Graham, Groogan, Johnston, Kelly, Kerr, Mallaghan, McAleer, McConnell, McElvogue, McGuigan, McLean*, McLernon, McNamee, D McPeake*, S McPeake, McQuade, Milne*, Monteith, Quinn, Robinson, Totten*, Varsani and Wilson

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

* Denotes Members present in remote attendance

** Denotes Officers present by remote means

*** Denotes Others present by remote means

The meeting commenced at 7 pm.

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

C026/24 Notice of Recording

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

C027/24 Apologies

Councillors Martin and McFlynn

C028/24 Declarations of Interest

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

C029/24 Chair's Business

The Chair, Councillor Molloy in his opening remarks said, "Firstly welcome the new local democracy reporter, Francois Vincent who will be reporting on the various debates and decisions of the Council. I have to say that I have noticed a marked upturn in the detail and volume of articles that have appeared in local newspapers since Francois took up his post. Spring is on its way, and I'm delighted to see our events calendar is back up and running and we have a few great initiatives happening in the next month. First up will be a series of events marking Seachtain na Gaelige starting from 1st March right through until 22nd. All supported through Mid Ulster Council but in the main driven and delivered by our very many community, sporting and cultural groups throughout the district and testimony to the growth of language development in Mid Ulster. Tá fáilte riomh gach duine. Next, we have two fantastic events happening on 6th and 13th March to mark International Women's Day. The theme of this year's campaign is 'inspire inclusion', which encourages us all to push for a world free of bias, inequality and discrimination. As well as enjoying the chance to celebrate the achievements of the inspirational women appearing at the events, buying a ticket to attend will help raise much-needed funds for Causeway and Mid Ulster Women's Aid, a charity that provides essential help and advice for the most vulnerable women and families in our community.

Members are also aware of the first Taste Mid Ulster Market happening on 9th and 10th March, and again I ask for your support by dropping in to the village over the weekend. By supporting the local market, you will not only ensure the freshest and finest produce for your family's wellbeing, but also contribute to the 'wellbeing' of our local businesses and producers. I'd also like to encourage eligible businesses to avail themselves of the Town Centre Spruce Up Scheme drop-in clinics in Cookstown, Magherafelt, Dungannon and Coalisland, taking place this coming Monday 26th and Tuesday 27th – you'll find all the details on our website. Rural spruce up may come soon! Lastly, I would like to wish all within our local Chinese community a very happy Lunar New Year as we enter the Year of the Dragon. Xinian Kuoi Le!"

Councillor Robinson requested that the Chair send letter of congratulations to Country Club Tug of War team who had defended their world title in Sweden at 600kg and had been runners up in the 500kg. He said he had visited the team at their humble base and was very proud of their championship status.

Councillor Robinson also asked if the Chair would send a letter to Murley Silver Band who were celebrating their centenary. He told how they had started out at the Orange Lodge and after the first world war had changed from a flute band to a silver

band. Councillor Robinson shared how their first instruments had been paid by the owners of the Clogher Valley Hotel and had arrived by the Clogher Valley Railway.

The Chair, Councillor Molloy agreed.

Resolved That Chair send a letter to

- (i) congratulate Murley Silver Band on their centenary;
- (ii) (ii) congratulate Country Club Tug of War Team on World Championship

Councillor Cuthbertson spoke of the lane closures in Dungannon and said whilst it was not a criticism of the Department for Infrastructure as great work had been carried out on the Killyman Road, Blacks Lane and Quarry Lane but these types of works must take precedence over ancillary works. He advised that there had been gas works on the A29 which had already been a diversion route for Killyman; that the Quarry Lane had been closed and NI Water were laying pipes at Old Eglish Road. He said that all needed to work together but that the DfI should prioritise their own work over others. Councillor Cuthbertson said the work in Dungannon was long overdue, but resurfacing should take priority and should not be programmed with non-emergency work. He concluded that people were contacting him to say it was easier to travel to Portadown or Armagh than to try to get into Dungannon town and that businesses simply could not put up with this situation.

The Chair, Councillor Molloy concurred and said you wondered what diversion you were on sometimes and he dreaded to think what it was like for visitors. He welcomed road improvements and said whilst ancillary works are also important better planning was needed.

Resolved That Council write to Department for Infrastructure to request that they prioritise resurfacing and other road works over utilities works. That DfI endeavour to initiate better planning going forward to minimise traffic disruption in relation to approach roads and Dungannon town centre.

Councillor Quinn expressed sympathy to Councillor McFlynn on the recent death of her mother and expressed appreciation on behalf of Councillor McFlynn for those who had sympathised and attended her mother's wake and funeral.

Councillor Quinn spoke of the Ardboe Aerodrome site which had massive potential was simply going to wreck and ruin. He recalled that council had written to the NI Executive a few years ago regarding the site and now that it was up and running again Council should write again and get all relevant stakeholders around the table. He said he had been approached by groups in relation to the site and whilst the letter did not go far in the past it was time to try again. Councillor Quinn proposed that Council write to the NI Executive and seek a multi departmental approach in relation to redevelopment of Ardboe Aerodrome.

Councillor McAleer advised that a community meeting was arranged for Tuesday 5 March and Department officials would be present and said it may be best to wait on the outcome of the community meeting.

Councillor Quinn said he was content to wait.

Councillor Carney extended congratulations to the University of Ulster on winning the Sigerson cup. She said that there are quite a few of the panel from the Mid-Ulster area as well as Barry Dillon, Paul Rouse and Benny Hurl who are part of the management.

The Chair, Councillor Molloy concurred.

Councillor Cahoon extended best wishes to Cookstown High School 1st X1 Girls who play in semi-final of Intermediate Cup on Friday and who had also won the premier league. She also commended two past pupils of Donaghly Primary School who have been called up to represent Ireland U16 Hockey team and requested that the Chair send letters of congratulations.

The Chair, Councillor Molloy agreed.

Resolved That the Chair send a letter to congratulate:

- (i) Cookstown High School 1st XI girls winning premier league;
- (ii) two past pupils of Donaghly Primary School on being called to represent Ireland U16 Hockey Club.

Councillor F Burton spoke of her delight for Fivemiletown Football Club who had secured £400k funding through Irish Football Association grass roots investment fund. She reminded Members that they had also got monies through discretionary grants and this would all go to creating the Valley Stadium. Councillor Burton said like everything else costs were on the rise and as Fivemiletown area is one of the top three in the pitch strategy assessment and that there is ringfenced money for year 2 and 5 she would request that officers meet with the club as soon as possible. She said the club greatly appreciate Council's assistance to date but in her opinion Council was 'getting away handy' as the Club has secured so much funding. She concluded that a 4g pitch with floodlighting was required.

Resolved That Council arrange a meeting with Fivemiletown Football Club to discuss proposed pitch.

Matters for Decision

C030/24 Receive and Consider Minutes of matters transacted in "Open Business" at the Council Meeting held on 25 January 2024

Proposed by Councillor Mallaghan
Seconded by Councillor Corry and

Resolved That the minute at page 12 be amended to read "The Chief Executive said his direction on the item is that it be referred back to appropriate committee to be reconsidered."

Councillor Kerr drew attention to C014/24 Notice of Motion and said that he welcomed news of Ireland's contribution to the International Court and said they could go further and expel the Israeli Ambassador. He spoke of the current death toll in Palestine and the disgrace that when Algeria brought a motion to the United

Nations for an immediate ceasefire that the United States had voted against and the United Kingdom had abstained.

Councillor Monteith drew attention to the minute regarding a meeting with the SHSCT in relation to Sperrinview and Oakridge. He said that Council should initiate the meeting and that representatives of Sperrinview and Oakridge should be invited.

The Chair, Councillor Molloy advised that Council had already approached the SHSCT with regard to a date for the meeting. He concurred with Councillor Monteith's comments that representatives of Sperrinview and Oakridge should be invited.

Councillor Monteith proposed that representatives from Sperrinview and Oakridge are invited to the proposed meeting with SHSCT; and in the interim prior to meeting with the SHSCT that a meeting is convened and Councillors visit both sites.

Councillor Kerr seconded the proposal.

Resolved That representatives from Sperrinview and Oakridge are invited to the proposed meeting with SHSCT; and in the interim prior to meeting with the SHSCT that a meeting is convened, and Councillors visit both sites.

Proposed by Councillor Mallaghan
Seconded by Councillor Kerr and

Resolved That the Minutes of the Council held on Thursday 25 January 2024 (C001/24 – C015/24 and C025/24) transacted in Open Business having been printed and circulated were considered and adopted.

C031/24 Receive and Consider Minutes of matters transacted in “Open Business” at the Planning Committee Meeting held on 6 February 2024

Proposed by Councillor Kerr
Seconded by Councillor S McPeake and

Resolved That the Minutes of the Planning Committee held on Tuesday 6 February 2024 (P014/24 – P021/24 and P025/24) transacted in Open Business having been printed and circulated, subject to the foregoing were considered and adopted.

C032/24 Receive and Consider Minutes of matters transacted in “Open Business” at the Policy & Resources Committee Meeting held on 8 February 2024

Proposed by Councillor McAleer
Seconded by Councillor McLernon and

Resolved That the Minutes of the Policy & Resources Committee held on Thursday 8 February 2024 (PR024/24 – PR036/24 and PR051/24) transacted in Open Business having been printed and circulated were considered and adopted.

C033/24 Receive and Consider Minutes of matters transacted in “Open Business” at the Special Council Meeting held on 12 February 2024

Councillor Wilson requested an amendment to the minute to read “He said that Council could look at cutting back in some areas but he welcomed the increase in community grants and said Council should look at bidding for funding for other major events.”

Proposed by Councillor Mallaghan
Seconded by Councillor Kerr and

Resolved That the Minutes of the Special Council Meeting held on Monday 12 February 2024 (SC001/24 – SC010/24) transacted in Open Business having been printed and circulated were considered and adopted.

C034/24 Receive and Consider Minutes of matters transacted in “Open Business” at the Environment Committee Meeting held on 13 February 2024

Councillor Kerr said that residents had been in contact with him in relation to Welcome Signage in the district. He said that much of the welcome signage was from legacy councils and requested that an update be brought to the Environment Committee.

Councillor Kerr referenced a letter that all councillors had received from students of Primate Dixon Primary School in relation to a pedestrian crossing outside the school. He proposed that the school be invited to the council chamber for a visit.

Councillor McElvogue seconded the proposal.

The Chair, Councillor Molloy concurred and said he had also arranged a visit to the school.

Proposed by Councillor Kerr
Seconded by Councillor McElvogue and

Resolved That the class from Primate Dixon be invited to the Council Chamber for a visit.

Proposed by Councillor B McGuigan
Seconded by Councillor McAleer and

Resolved That the Minutes of the Environment Committee held on Tuesday 13 February 2024 (E025/24 – E039/24 and E049/24) transacted in Open Business having been printed and circulated were considered and adopted.

C035/24 Receive and Consider Minutes of matters transacted in “Open Business” at the Development Committee Meeting held on 15 February 2024

Councillor Kerr drew attention to issues regarding Gortgonis track and said that officers had come back to him to say an expert would be visiting the track in order to ascertain a long-term solution for the surface. He stated that whilst Members await the report it might be beneficial to consider as a solution that the terrain is changed to some form of rubber material that would be better than the existing surface.

Councillor Monteith drew attention to C023/24 Development report and the update in relation to the telecommunications mast on the Hill of The O’Neill. He said that now that NI Water had reneged on their commitments that Council should start to build a case for the removal of the mast. He said it would be a useful exercise to draw up a lobbying document on the site of the mast at the Hill of The O’Neill and this should be done over the next six weeks. He said that a meeting should be held with officers and members to collate the data in relation to the historical significance, evidence from archaeological digs and potential heritage of the site. He concluded that if the mast was at the Titanic Quarter it would have been gone long ago.

Proposed by Councillor Monteith
Seconded by Councillor McElvogue and

Resolved That officers prepare a lobbying document on the site of the mast at Hill of The O’Neill. A meeting to be held with officers and councillors to compile data in relation to historical significance, evidence from archaeological digs and potential of heritage site.

The Chair, Councillor Molloy concurred.

Councillor Varsani said that at the last Dungannon DEA meeting it had been stated that if the mast was placed at Stone Henge it would not be accepted and Council should look at equality and parity issues. The Councillor said that the Development Committee had suggested that the Department be invited to view the site and at the meeting Council should make it clear that it should be removed in the short term and use every possible resource available to get it over the line.

Councillor Mallaghan said that previously he had made the suggestion that Council write to the Board of NI Water and make representation to them.

The Chair, Councillor Molloy advised that there had been a meeting with Senior Officials and they had given the undertaking that Council and NI Water would jointly fund the feasibility study to remove the telecommunications mast but now they have advised they do not have the budget.

Councillor Gildernew drew attention to D21/24 Chairs business and the comments in relation to Aughnacloy play group and appealed that Council would do what it could to ensure that children could still attend the playgroup.

Councillor Quinn drew attention to D028/24 minutes of Development Committee and discussion regarding the Blackwater River. He advised the meeting that trees had been cut down on Tuesday past and instead of the trunks being removed they had been left and were now in the river and had caused a blockage at the Maghera Canal. He said if someone was drowning rescue boats could not access the Blackwater River. Councillor Quinn said that the Rivers Agency said it is not their remit to clear the area and are unable to advise whose responsibility it was. He said that the Department did not know who had responsibility of the barmouth and now the Blackwater itself was blocked. He concluded that Departments need to speak to each other.

The Chair, Councillor Molloy said he had viewed photographs of the river and it appeared to be a mystery as to how it had happened but there was also a danger of submerged trees and debris. He concluded that Inland Waterways take no responsibility either.

Councillor Cuthbertson said that he had wrote to the Rivers Agency when he had been contacted about a tree toppling after stormy weather and falling into the waterway, and he posed the question did the landowner have to remove the tree? He advised that he had received a holding response for approximately 35 days. Councillor Cuthbertson said by this stage the tree would have floated on down the river and concluded that you cannot get a response from government departments.

The Chair, Councillor Molloy advised that officers had been working with other councils to endeavour to solve issues regarding the barmouth.

Proposed by Councillor Quinn
Seconded by Councillor Corry and

Resolved That the Minutes of the Development Committee held on Thursday 15 February 2024 (D018/24 – D029/24 and D035/24) transacted in Open Business having been printed and circulated were considered and adopted.

C036/24 Conferences, Seminars and Training

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

Councillor Mallaghan sought approval to attend the NI Housing Conference subject to his availability to attend.

Proposed by Councillor Mallaghan
Seconded by Councillor N McLernon and

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

Matters for Information

C037/24 Consultations

Members noted consultations received for attention of Council.

Councillor Gildernew drew attention to the NIHE Consultation approved by the Policy & Resources committee. She supported the response submitted on investigating future provision for victims of violence and domestic abuse within the Housing Executive's housing selection scheme. She said there is a need to protect those facing serious and immediate threat to themselves and their families. It was also noted that there should be robust verification of intimidation points to ensure they are allocated appropriately, to those at genuine risk, and to prevent others on the housing list, including those with homeless points, from being unfairly disadvantaged. Councillor Gildernew said that there is a need to ensure adequate provision of emergency/refuge accommodation as well as adequate access to safe housing in the Mid Ulster Area. In conclusion she stated it is her belief no survivor should be prevented from leaving their abuser due to fears of facing homelessness and often the assurance of safe housing can help break this cycle.

In relation to the response submitted to Financial Conduct Authority – Access to Cash Consultation, Councillor Gildernew concurred with call for consideration to be given to selecting Clogher Valley Ward as a pilot project to illustrate how a community banking hub could work in this rural setting. She concluded that the current criteria is too prescriptive and does not take into consideration the unique nature of Mid Ulster Council as a rural Council or Clogher Valley which has seen a downward spiral of banking services which is having a major detrimental impact on residents and businesses within the Clogher Valley area.

Councillor Burton concurred with Councillor Gildernew, she also drew attention to situations where a family has lost someone to suicide and finds themselves unable to remain in the family home. She called for a common-sense approach in such circumstances. Councillor Burton in relation to housing said that she had contacted the PCSP manager in relation to domestic violence and had learned that the increase had been some 78% which tells its own story. She concluded that people living in such situations are afraid and Council should do all it can to assist in the eradication of such circumstances.

Councillor Corry said that both rural and urban accommodation was needed urgently as often people have to leave their local areas as they have nowhere safe to go. She said often children have to be taken away from schools and reflected that council had worked alongside Women's Aid, but the project seemed to be delayed and requested that Council write to emphasise the urgency of the project.

C038/24 Correspondence

Members noted update on correspondence received for attention of Council.

Councillor Varsani drew attention to correspondence from the Department of Health regarding the treatment of cystic fibrosis and said whilst it does not answer all of the questions she would propose Council respond to the Department and ask to be kept informed. Councillor Varsani also expressed the thanks of local families for Council lighting up buildings in support of Cystic Fibrosis Awareness day.

Resolved That Council respond to DoH letter regarding cystic fibrosis medication seeking more information as it becomes available.

Councillor Kerr drew attention to the response from NI Water and said there still appears to be confusion. He said he had contacted NI Water in December 2023 and requested that Council write back and request that the dates are checked.

Resolved That Council write to NI Water providing dates and times they were contacted by Councillor Kerr to ask them to follow up on same.

Councillor Burton reflected on discussion at the January meeting regarding the birthing pool at the Midwifery Led unit in Craigavon Hospital. She said that there had been no response back and the re-installation of the pool had already been postponed. She said Council needed to push for the date as she was contacted by ladies who want to have their babies at the facility but are told there is another birthing pool at the hospital which can be used. Councillor Burton asked that Council write again to seek clarity.

Resolved That Council seek a definitive date for the reinstallation of the birthing pool at Craigavon Area Hospital Midwifery Led Unit.

Councillor Gildernew drew attention to the correspondence received from Fermanagh & Omagh District Council. She stated that Mid Ulster Council are taking up the Chair and Secretariat of the A5-N2 Cross Border Group for the incoming year and she would agree with Fermanagh and Omagh's position on the renaming and that the priority is not the name of the group but the projects the group lobbies for. Councillor Gildernew stated that due to the sheer number of lives lost on the A5 and the fact that it has been deemed the most dangerous road in Ireland, she would suggest that Mid Ulster Council support this position taken by Fermanagh and Omagh Council to ensure that the focus on the A5 is not lost. She concluded that she would take the debate back to the A5-N2 group for further consideration.

The Chair, Councillor Molloy concurred and said that the improvement on the A4 had made a significant difference and lives had been saved.

Resolved That council write to support Fermanagh & Omagh District Council in relation to the A5-N2 Cross Border Committee proposed Name Change.

Councillor Cuthbertson drew attention to the correspondence received from NI Water and whilst he was listed as a caller, he had no complaints with regards to how his calls had been handled.

Councillor McLean said he had eventually had a meeting with NI Water representatives which had been positive, but they had explained they were in a transition period but since then feedback had been good. He said he was aware that Councillor Clarke also had issues but whilst NI Water were improving, they were not on top of their game.

Councillor McLean also drew attention to correspondence from the Honourable The Irish Society and said Council should make response, the two representatives Councillors McGuigan and Black should feedback to officers. He concluded that the organisation makes monies available for community groups and Council should avail of them.

Resolved That Council provide Feedback to the Honourable the Irish Society and endeavour to avail of available fundings for community groups.

Councillor Burton raised the issue on travel and requested an update on rail travel return to Mid Ulster. She said Council needed to do all it could to progress.

The Chair, Councillor Molloy said the matter would be referred to development committee.

Councillor McConnell sought an update on the Fibrus meeting.

The Chair Councillor Molloy said that a date had been set.

Councillor Mallaghan requested that opportunity to attend is expanded to all Members.

Councillor Cuthbertson said it should be incorporated into the broadband working group.

Councillor McGuigan said the there had been a meeting of the Broadband working group and that the meeting with Fibrus should be progressed through that and other Members should be permitted to attend should they wish to do so.

Councillor Gildernew supported the approach and said she had raised the issue and would appreciate being included.

Resolved That proposed meeting with Fibrus be convened via Broadband Working Group and all interested Members permitted to attend.

C039/24 Notice of Motion: Councillor Johnston to move –

Councillor Johnston read the motion,

“That this Council welcomes that between January and June 2023 there were no cases reported of measles in the North.

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

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

Councillor Johnston speaking on the motion said, “Since putting this motion together there has unfortunately been a confirmed case in NI and thus a slight amendment is needed. Europe is experiencing an "alarming rise 'Jn measles cases - in the last year, 42,200 cases - up from 941 in 2022. This could be attributed to the decrease in vaccination coverage during the Covid-19 pandemic 2020-2022.

There is also startling news coming out of England in terms of the spread of measles as the UK Health Security Agency (UKHSA) have declared a 'national incident' last month. This national incident is in the aftermath of a surge in cases and low vaccine uptake. That declaration is an internal mechanism signalling the growing public health risk and to enable the Agency to focus on limiting further spread of the outbreak.

Three quarters of the cases reports in the UK are in the West Midlands.

Closer to home there is now, unfortunately, a confirmed case in the north, our first case of measles in 7 years. Unfortunately, there has also been a death in the South. I don't need to tell you that measles is highly infectious, even more so than covid and the flu. It has an infection rate of 1: 15. Just to remind people of the symptoms of Measles - a high fever, a blotchy red or brown rash, coughing and sneezing. It can also leave eyes sore, red and watery. The illness normally clears within 7-10 days. In worst cases once infected It can result in swelling on the brain, meningitis, seizures, blindness, pneumonia and as we have just highlighted, death. It spreads very easily among those who are unvaccinated.

During the Covid pandemic I think that we, as a society felt some relief in the fact that covid didn't have the same devastating impact on children, this is not the case with measles. Children are more susceptible in fact the biggest risk is to children and there are serious concerns of the potential for an outbreak in a school or nursery setting.

Pregnant women, and people with weakened immunity, are also at increased risk of complications from measles. I do not want to be alarmist here in Mid Ulster but I do feel it is incumbent upon local government to play their part in highlighting the issue, we must make people aware of the dangers, the symptoms, the preventative measures and how to access them.

The WHO (World Health Organisation) are encouraging those in authority to consider risk communication and awareness raising initiatives. The PHA (Public

Health Agency) are running a MMR Catch Up Campaign, targeting people from 12 months to 25 years old. I believe it is essential that our council promote and encourage uptake of the vaccines. Historically we had a high rate of uptake but sadly that has fallen to 85%, and while that might seem high to prevent outbreaks it needs to be at 95%.

Raising awareness and the importance of vaccination in this regard is important. We need a long-term concerted effort to protect individuals and to prevent large measles outbreaks and I hope that all members in this chamber can support my call which would see Council playing a further role in raising awareness and in ensuring that factual information is published via social media in particular.

In closing - The message is clear: The best way for parents to protect their children from measles is the MMR vaccine. Two doses of the MMR vaccine give lifelong protection and it's never too late to catch up!"

Councillor Quinn seconded the motion and said that over 20 years ago people had all taken the MMR vaccine, but some had missed out during covid period and some were just anti-vaccine. He said that it was not just peoples own children who would be impacted that the disease would spread and thus he was happy to support the motion.

Councillor Monteith clarified that there had now been a case in the six counties a few days ago and another today. He suggested that the words 'affirms its support to maintain Northern Ireland as measles-free, and' be dropped.

Councillor Johnston agreed.

Councillor Brown said it was a worthwhile motion and everyone had families and should do all they can to prevent the spread. He said Council should use social media to promote the vaccine campaign and that the DUP fully support the motion. He thanked the Councillor for bringing the motion to the floor.

Councillor Wilson thanked Councillor Johnston for tabling the motion. He said that measles is very infectious and could cause hearing loss and blindness noting that it spreads through coughing and sneezing and was ultimately very severe especially for those imuno suppressed and young children under the age of 5.

He said that cases have been rare but the impact could be life changing. It was noted that across the UK there had been an increase in cases especially since October. Whilst numbers have stabilised in some parts they are increasing elsewhere.

He said whilst to date Northern Irland had no reported cases, but this has changed this week. Most effective way to rule out measles is a high uptake. He said the vaccine is routinely offered at the age of 4 months to three years but over the last 10 years the uptake has steadily fallen and due to the fall, the uptake over several years the risk is now moderate to high.

Councillor Wilson said it was important to ensure that the population is vaccinated, and that MMR Vaccine catch up clinics was being run for those aged between 12 months to 25 years who have had either one or both doses and Council should play

its part in promoting this. He said there are those that raise concerns, but the fact is that the MMR is the only safe way to avoid measles and that the UUP was happy to support.

Councillor Varsani concurred with the point made and said that when she had been teaching there had been a beautiful little girl in her class who was deaf as her mother had been in contact with measles whilst pregnant. She said there was a large population in Mid Ulster thus it was important to promote the vaccine and spoke too of the danger of shingles. Councillor Varsani commended the motion.

The Chair, Councillor Molloy thanked Councillor Johnston for bringing the motion to the floor and said sometimes people just get complacent, but some have concerns in relation to MMR. As there was consensus on the floor, he declared the motion carried.

That this Council welcomes that between January and June 2023 there were no cases reported of measles in the North.

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

This Council will undertake a public information and education campaign via print and social media to highlight to parents and guardians the importance of MMR vaccinations.

Councillor Johnston said that the matter was something that all should consider and thanked Members for their support.

The live broadcast concluded at 8.03 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 Kerr
Seconded by Councillor McLernon and

Resolved That items C040/24 to C046/24 be taken as confidential business.

Matters for Decision

- (i) Council Confidential minutes of meeting held on 25 January 2024
- (ii) Planning Confidential minutes of meeting held on 6 February 2024
- (iii) Policy & Resources Confidential minutes of meeting held on 8 February 2024

- (iv) Environment Confidential minutes of meeting held on 13 February 2024
- (v) Development Confidential minutes of meeting held on 15 February 2024
- (vi) Small Settlements – ICT appointment – Castlecaulfield Recreation Area
- (vii) Enterprise Licensing Agreement Tender
- (viii) Tender for Ageing Well Project

C048/24 Duration of Meeting

The meeting was called for 7.00 pm and ended at 8.42 pm

Chair _____

Date _____

Annex A - Introductory Remarks from Chairperson

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

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

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

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

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

Minutes of Meeting of Planning Committee of Mid Ulster District Council held on Tuesday 5 March in Council Offices, Circular Road, Dungannon and by virtual means

Members Present	Councillor S McPeake, Chair	
	Councillors Black (5.27 pm), 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) Mr Bowman, Head of Strategic Planning (HSP)** Ms Doyle, Head of Local Planning (HLP) Mr Marrion, Senior Planning Officer (SPO) Ms McCullagh, Senior Planning Officer (SPO) Mr McClean, Senior Planning Officer (SPO) Ms McKinless, Senior Planning Officer (SPO) Ms Donnelly, Council Solicitor (CS) Ms O'Neill, Council Solicitor (CS)** Ms Hughes, Planning Officer (PO) Ms Mhic Iomhair, Planning Officer (PO) Mr Stewart, Planning Officer (PO) Ms Carson, Trainee Planning Officer (TP) Mr McAleer, Trainee Planner (TP) Mrs Grogan, Committee and Member Services Officer	
Others in Attendance	LA09/2018/1337/F	Mr McBurney Planning Consultant (TBC)
	LA09/2020/1319/F	Mr O'Callaghan
	LA09/2022/1280/O	Mr Cassidy*
	LA09/2023/0238/F	Mr S Hughes*
	LA09/2023/0238/F	Mr Ross*
	LA09/2023/0683/O	Mr Cushnahan
	LA09/2023/0693/F	Mr A Molloy
	LA09/2023/1069/F	Mr Bronte Mr McKee
	LA09/2023/1166/F	Mr Kelly Mr Sloan
	LA09/2018/0754/O	Mr Cassidy*
	LA09/2019/0179/F	Mr Cassidy*
	LA09/2019/0179/F	Mr J Hughes
	LA09/2021/1672/F	Mr Cassidy*
	Councillor Molloy***	

* 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 pm.

P026/24 Notice of Recording

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

The Chair, Councillor S McPeake in referring to online viewing advised that a quick discussion would take place later in the meeting as there were new regulations being proposed regarding hybrid meetings. The Chair said that this was something that Council had to review.

P027/24 Apologies

Councillor Martin.

P028/24 Declarations of Interest

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

P029/24 Chair's Business

The Service Director of Planning (SD: PI) advised that he had one item he wished to bring to members attention which relates to abandonment consultation from Roads Service to Council. Roads Service are seeking peoples view on abandonment to part of the road on Killybracken Road, Dungannon and what they would be suggesting is to close part of a small laneway on a bad bend which should be off benefit to public safety. Mr Marrion (SPO) in compiling his report which is attached as an addendum, very helpfully pointed out that whilst it cures the blind-spot, this was a bad bend and would be good if some investigation to see what can be done by public investment to protect public road users further, whether with sight lines or better visibility. Permission was sought from the committee to write into Roads Service to get this factored in, stating that whilst this was very welcome, more could be done.

Councillor Cuthbertson advised that he attended a meeting with DfI Roads following a bad accident close to a year ago, where DfI have come up with this proposal, they are also proposing implementing advisory 30 mph speed limit signage both sides of the corner. The member stated that ideally, he would like to see a bigger scale of work at the corner, but this was an improvement and felt that 30 mph advisory signage will go some way to help and heading in the right direction.

Proposed by Councillor Mallaghan
Seconded by Councillor Cuthbertson and

Resolved To agree the following response to be issued to DfI Roads:

- 1) Mid Ulster District Council welcome the improvements the stopping up and abandonment of this stretch of road would make to this crossroads.
- 2) Mid Ulster District Council still have concerns about the safety of traffic turning into Hollow Lane from Eglis Road, especially those vehicles making a right turn into Hollow Lane. Mid Ulster District Council seek improvements to the forward and rear sight lines at this junction for the safety of traffic on Eglis Road.

The Chair, Councillor S McPeake wished to make members, agents and architects aware that this was Dr Boomer's last meeting of the Planning Committee of Mid Ulster Council and will all be very sorry to see him leave as there will be big boots to fill thereafter. The Chair advised that he would leave speaking on this matter in more detail until the culmination of the meeting where members will have the opportunity to make their own comments.

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

Agenda Item 5.3 – LA09/2021/0511/F – Storage building to replace existing storage unit at approx. 20m W of 35 Moss Road, Ballymaguigan, Magherafelt for Christopher Cassidy

Agenda Item 5.6 – LA09/2023/0433/F – Development of 5 No. dwellings (1 No. detached and 4 No. semi-detached) with associated site works and the relocation of an existing access to an existing dwelling at land adjacent to 90 Roughan Road, Newmills, Dungannon for Nigel Johnston

Agenda Item 5.7 – LA09/2023/0520/F – Dwelling and garage at 75m N of 42 Gortnaskea Road, Stewartstown for Philip McCrea

Agenda Item 5.8 – LA09/2023/0683/O – Dwelling at an existing cluster at adjacent to and SW of 150A Washingbay Road, Coalisland for Mr Patrick Brady

Agenda Item 5.13 – LA09/2023/0888/O – Infill dwelling & garage at lands immediately S of 22 School Lane, Gulladuff for Mrs Anne McKee

Agenda Item 5.14 – LA09/2023/0955/O – Site of dwelling and garage adjacent to 19 Moneyneany Road, Draperstown for Mr Adrian Kennedy

Agenda Item 5.16 – LA09/2023/1052/O – Dwelling & garage at 60m NE of 17 Edendoit Road, Pomeroy for Mr Michael Donnelly

Agenda Item 5.17 – LA09/2023/1053/F – Self-contained granny flat within the curtilage of the existing property for the benefit of the occupants of the existing dwelling to the rear of 5 Ardbeg, Donaghmore Road, Dungannon for Brian Cassidy

Agenda Item 5.18 – LA09/2023/1069/F – 7 dwellings and 8 apartments with associated car parking, private and communal amenity space, landscaping, site works and access arrangements from Chapel Road at lands to the S of Nos 14-44 Fortview Terrace, N of Nos 19-33 Dunleath Avenue, E of Nos 11-17 Drumcree and W of Nos 85-101 Church Street, Cookstown for Kelly Brothers Ltd

Agenda Item 5.22 – LA09/2023/1217/O – Dwelling and garage on a farm at land adjacent to 30 Killyfaddy Road, Magherafelt for Mr Ian Brown

Agenda Item 5.24 – LA09/2023/1377/O – Dwelling and garage under at 30m W of 153 Washingbay Road, Coalisland for Mr Philip Brady

Proposed by Councillor Mallaghan
Seconded by Councillor McConnell and

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

Matters for Decision

P030/24 Planning Applications for Determination

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

LA09/2018/1337/F Water recycling tank and sand de-watering unit with dosing units and associated equipment/cabins with mobile log washer unit to assist the existing plant at 25 Crancussy Road, Cookstown for Core Aggregates

Members considered previously circulated report on planning application LA09/2018/1337/F which had a recommendation for approval.

Proposed by Councillor Mallaghan
Seconded by Councillor Varsani and

Resolved That planning application LA09/2018/1337/F be approved subject to conditions as per the officer's report.

LA09/2020/1319/F Mixed-use development of 80 units (56 dwellings & 24 apartments) & 8 industrial units (light industrial & storage) immediately N of 31 Ballygawley Road, Dungannon, bounded by Cloneen & Ballysaggart Park to the S & W for Orchard County Contracts

Members considered previously circulated report on planning application LA09/2020/1319/F which had a recommendation for approval.

Proposed by Councillor Varsani
Seconded by Councillor McElvogue and

Resolved That planning application LA09/2023/0238/F be approved subject to the conditions as per officer's report and a Section 76 Agreement being put in place and sealed before full Council.

LA09/2021/0511/F Storage building to replace existing storage unit at approx. 20m W of 35 Moss Road, Ballymaguigan, Magherafelt for Christopher Cassidy

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

LA09/2022/1280/O Off-site replacement dwelling and domestic garage at lands approx. 90m SW of 26 Hillside Road, Upperlands for Dr Kate Lagan and Keith Higgins

Members considered previously circulated report on planning application LA09/2022/1280/O which had a recommendation for approval.

Proposed by Councillor D McPeake
Seconded by Councillor S McPeake and

Resolved That planning application LA09/2022/1280/O be approved subject to conditions as per the officer's report.

LA09/2023/0238/F Residential development and associated ancillary works at lands to the W of Forth Glen, Cookstown; adjacent to 40, 41, 42, 43, 44, 61, 62, 63 and 79 Forth Glen, Cookstown for JAMDAC Developments Ltd

Ms McKinless (SPO) presented previously circulated report on planning application LA09/2023/0238/F which had a recommendation for approval.

The Service Director of Planning (SD: PI) referred to the term 'social housing' and stated that this included affordable housing, such as shared ownership with a housing association. Unfortunately, we still live in a world where people still see the term social housing and get worried. It is clearly difficult for a lot of young people to enter the housing market, particularly Mid Ulster where we do not benefit from high rates of pay compared to other parts of Northern Ireland or indeed the UK. For many, shared ownership for young people to get on the property ladder.

The Chair advised that requests to speak had been received, one in favour and one against.

The Chair advised that Mr Steven Hughes was in attendance to speak against the application and invited him to address the committee.

Mr Hughes thanked members the opportunity for allowing him to address the committee tonight. He advised that his home borders right onto the proposed development in which himself and several other residents of Forth Glen are opposed

to. Upon reading the case officer's report he was alarmed to see a number of red flags which in his opinion were not adequately addressed. Firstly, the biodiversity checklist which has been mentioned to be submitted stated that no trees were to be removed and no streams within 50m of the site, the submitted plans clearly show a number of mature trees to be removed where the access is to be proposed, the site is also 20m from two streams which link directly to the Ballinderry River. Mr Hughes advised that he personally had seen bats flying around this area and on some occasions some owls. He felt that the checklist was not completed by a qualified Ecologist and merely a tickbox exercise in which he had reservations about. Secondly, the land is phase 2 housing land which normally will not be released until all phase 1 has been utilised. By the agent's own admission, there is over 70 hectares of underdeveloped phase 1 lands still available within Cookstown boundaries, no robust assessment has been carried out on these 12 sites as to their availability. The approval of this scheme will set a dangerous precedent for similar applications within phase 2 lands. Thirdly, there is no commitment from any Housing Associations on their commitment to develop if approved, a letter within a file states the offer of support does not confirm funding or future programming, in essence there is no user.

The Chair advised that Mr Ross was in attendance to speak in favour of the application and invited him to address the committee.

Mr Ross advised that Mr Barry Kerr from Apex Housing was also in attendance tonight to speak.

Mr Ross said that they appreciated the work carried out by the planning team bringing this forward tonight as there was an urgent need for 124 social housing units in Cookstown and last year the Housing Executive put out a call for sites. The only answer to the call was this site and at this point and time it is the only tangible opportunity and desperately needed. Due to budget constraints in which Mr Kerr will update committee shortly on, the approval notice must be received by the end of this month. It is Apex Housing Association which will develop the project and will include a mixed layout of house types which is specifically designed to meet the range of need in line with stated requirements defined by the Housing Executive. This will be zoned as phase 2 housing land which has been in place for this last 20 years, it's a long-established zoning and no-one should be surprised that this housing development was coming forward. The layout is arranged with a proposed back-to-back to existing houses, with very generous back gardens proposed for these new houses and well above the minimum standard set out in guidance to ensure good separation from existing houses. The existing planting along the boundary will be augmented, with no planting to be removed, which is to respect the objector's comments. The scheme is mindful of the future development and potential for wider lands as it fits in with the comprehensive masterplan and consistent with those objectives, it's a thoughtful and commendable design and would recommend it to committee. Mr Ross advised that the applicant was happy to enter into a Section 76 Planning Agreement, but the timescale was an issue.

Mr Kerr thanked members for the opportunity to address committee in support of this housing development. Mr Kerr advised that he was the Director of Development at Apex Housing Association and very much welcomed the recommendation for

approval from the planning team. He confirmed that Apex Housing team were pleased to support the applicant in the delivery of homes for those most in need in the Council area. This scheme is committed to the Housing Executive's Social Housing Development Programme 2023/24, with funding secured for the same, however funding is subject to receipt of decision notice in advance to the end of the financial year 31 March 2024. Therefore, request would be respectfully made that the Planning committee endorse the planning team's recommendation for approval and at the same time if possible, afford delegated authority to the planning team to finalise the planning conditions and execute the associated Section 76 legal agreement. Mr Kerr advised that a Decision Notice was required by 29th March 2024.

The SD: PI advised that planning agreements for legal documents has to be done under Council seal. The SD: PI said what could be done was to provide a letter with the draft Decision Notice which basically states that this was the decision will be issued once the planning agreement is signed is under seal. Unfortunately, there is no other mechanism in place to do this but would be confident regarding the letter of the draft Decision Notice and also minutes of this meeting and felt that this was the way in which to proceed.

Mr Kerr said that it was his understanding that there was a full Council meeting on the 28th March.

The SD: PI advised that a Planning Agreement was a legal document and had to be agreed and drafted with our solicitors and their solicitors and would be quite happy to move this forward as quickly as possible. He said that he sees this as a fairly simple Planning Agreement as there was nothing complex about it and only agreement on it was that it was to be provided for affordable housing.

Mr Kerr said that there would be no objection to that, however Section 76 Agreement was a committed scheme on this year's Social Housing Development Programme, the outlook for 2024/25 remains very uncertain and very much anticipated that there could be a reduced budget for the delivery of the programme. Mr Kerr stated that he would be concerned if it was not possible to deliver this within this financial year, it may create further obstacles and would ask if possible that delegated authority is granted to the planning team to agree Section 76 Agreement with the applicant so that it can be presented to full Council, executed by the Chief Executive. He advised that Apex were very experienced in Section 76 Agreements through working with other Councils and nothing new to them and deliver them with much more onerous terms and quite simple process in stipulating affordable homes. Mr Kerr said that he would be happy to seek any opportunity to avail of a Decision Notice by 29th March.

The Chair enquired if objections raised by the objector, Mr Hughes were considered and dealt in terms of two key points alluded to, habitats around environmental assessment he felt was deficit and the use of zoned phased 2 lands that he felt were not appropriate at this stage.

Ms McKinless (SPO) advised that in respect of phased 2 land she had detailed within her presentation and case officer had a more detailed consideration within his report.

In respect of completion of the biodiversity checklist, this is a new issue brought to planners' attention, but had reviewed the checklist today and had spoken to the case officer who had been out twice to the site.

There were particular points to the checklist that Mr Hughes has raised concern about:

1) Shrubs and mature trees going to be removed as part of the development

As part of the checklist Mr Ross had ticked no and Mr Hughes had indicated that site 1 was going to potentially have a loss of mature and shrubs. The case officer had confirmed today that from his site visits he did not think there was any particular mature trees and whilst this particular site might have some trees, there is no mature trees.

2) Proximity to streams

There is a watercourse flowing along the western boundary along the blue land which was 150m away from the application site, there are 2 small sheughs or something similar flowing south of the site. One is potentially 45m from the application site and the other one is slightly closer. The question on the biodiversity checklist relates to this and stated that it may be beneficial if Mr Ross wished to elaborate on this.

Mr Ross said that point 4 of the second checklist refers to trees and shrublands, there is an area with tall grasses and whilst investigating that he did not regard that as shrubland or any interesting habitat and ticked no on checklist. In regards to streams within 50m, there are a few of what he would call sheughs with standing water in them, and a definition of a stream is a flow of water and basically these were drainage ditches. Point 7 on checklist refers to arable lands, this is pasture used for silage cutting to the boundaries and when talking about arable land on the checklist, would be really talking about large fields with substantial margins with wildflowers and biodiversity and this is not this type of land and would be confident that this was rough pasture and completed the biodiversity checklist correctly and did not need to get a specialist ecologist to investigate it.

Councillor Graham advised that it has been brought to her attention that there was already a problem with flooding on this site, with 4 properties already built which have flooding up to their doorways anytime there is any heavy rain. The member advised that a meeting has already taken place with the developer, NI Water and DfI Roads regarding the issue. Her colleague Councillor Wilson was in attendance and DfI have offered to provide the pipes necessary to fix the problem if the developer agreed to do the work which Councillor Wilson said he did. The member asked if this could be made a condition for approval also to ensure to fix the flooding before he starts to do something else.

In response to a query regarding location of dwellings, Councillor Graham advised that the developer was aware of the four dwellings affected.

Councillor Black entered the meeting at 5.27 pm.

The Chair referred to flooding at the site and enquired if Ms McKinless (SPO) was happy that this has been dealt with adequately or was there concerns.

Ms McKinless (SPO) advised that the application was assessed under PPS15 – Planning and Flood Risk, there is no indication that the sites were within any fluvial or pluvial floodplain. Policy FLD3 of PPS15 states that all residential developments comprising of more than 10 units will require the submission of a drainage assessment – this was submitted and DfI consulted regarding this. Following a subsequent request for consent of discharge, DfI Rivers has responded stating that they have no objections subject to imposition of a condition requiring a final submission of a detailed drainage network design prior to construction of the said drainage network.

The SD: PI advised that the bottom line was that there was no public record of flooding and purely a drainage issue.

The SD: PI stated that he was not dealing with the fine tuning of this planning application which was considered at officer level and more forefront to his mind was trying to break the cycle that is preventing affordable housing being delivered in Mid Ulster. In this instance a departure for the plan could be justified and it would be incorrect for the committee to believe what the objector stated that all phase 1 land has to be exhausted before you move to phase 2 land. What the plan says is that the release of land will be subject to review. In this instance we have conducted a review of supply of housing land in Cookstown and it is in our draft Area Plan and would be aware that by 2030 there would be a shortage of housing land in Cookstown. We also know that most housing land in Cookstown is committed and because of this we need to find other mechanisms to deliver social and affordable housing. The SD: PI in referring to planning agreement, that the planning committee can determine that permission be granted subject to a planning agreement and recommend that the Council seal be used. The minutes will go to full Council anyway and if there are any disputes over the use of the seal these can be raised at full Council, the purpose planning agreement simply relates to delivery of affordable housing. He was confident that we have addressed concerns raised by the objector and wished to remind members that this was for 14 units and not a major development and clearly in this instance in his view the application deserved an approval.

Proposed by Councillor Mallaghan
Seconded by Councillor Varsani and

Resolved That planning application LA09/2023/0238/F be approved subject to the conditions as per officer's report and a Section 76 Agreement being put in place and sealed before full Council.

LA09/2023/0433/F Development of 5 No. dwellings (1 no. detached and 4 no. semi-detached) with associated site works and the relocation of an existing access to an existing dwelling at

**land adjacent to 90 Roughan Road, Newmills, Dungannon
for Nigel Johnston**

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

**LA09/2023/0520/F Dwelling and garage at 75m N of 42 Gortnaskea Road,
Stewartstown for Philip McCrea**

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

**LA09/2023/0683/O Dwelling at an existing cluster at adjacent to and SW of
150A Washingbay Road, Coalisland for Mr Patrick Brady**

Mr Marrion (SPO) presented a report on planning application LA09/2023/0683/O advising that it was recommended for refusal.

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

Ms Doyle (HLP) advised that Mr Cushnahan was to attend in person tonight but did not appear.

The SD: PI asked that this application be deferred for an office meeting as he felt that there was an issue which needed further investigated.

Proposed by Councillor Mallaghan
Seconded by Councillor S McPeake and

Resolved That planning application LA09/2023/0683/O be deferred for an office meeting.

**LA09/2023/0693/F Temporary mobile home at 20 Loughbracken Road,
Pomeroy for Mr Aidan Molloy**

The Chair advised that the above planning application is to be taken in confidential business due to personal circumstances relating to the application.

Agreed that this application be raised in confidential matters for decision.

**LA09/2023/0796/F Retention of existing mobile office space used in
connection with existing business at 27 Feddan Road,
Dungannon for Mr Timmy Wiggam**

Members considered previously circulated report on planning application LA09/2023/0796/F which had a recommendation for approval.

Proposed by Councillor McConnell
Seconded by Councillor Cuthbertson and

Resolved That planning application LA09/2023/0796/F be approved subject to conditions as per the officer's report.

LA09/2023/0797/F Retention of existing workshop in connection with existing business at 27 Feddan Road, Ballygawley for Mr Timmy Wiggam

Members considered previously circulated report on planning application LA09/2023/0797/F which had a recommendation for approval.

Proposed by Councillor Cuthbertson
Seconded by Councillor Robinson and

Resolved That planning application LA09/2023/0797/F be approved subject to conditions as per the officer's report.

LA09/2023/0860/F New fabrication shed and car parking facilities to serve existing workshops and new shed at 72 Glenshane Road, Castledawson for Top Frame Engineering Ltd

Members considered previously circulated report on planning application LA09/2023/0860/F which had a recommendation for approval.

Proposed by Councillor D McPeake
Seconded by Councillor Clarke and

Resolved That planning application LA09/2023/0860/F be approved subject to conditions as per the officer's report.

LA09/2023/0888/O Infill dwelling & garage at lands immediately S of 22 School Lane, Gulladuf for Mrs Anne McKee

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

LA09/2023/0955/O Site of dwelling and garage adjacent to 19 Moneyneany Road, Draperstown for Mr Adrian Kennedy

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

LA09/2023/0959/F Change of house type from approved LA09/2017/0507/F; to two-storey design and the addition of a detached garage at 350m SW of 89 Caledon Road, Mulnahorn, Aughnacloy for Mr & Mrs David & Belinda Brady

Members considered previously circulated report on planning application LA09/2023/0959/F which had a recommendation for approval.

Proposed by Councillor Graham
Seconded by Councillor Robinson and

Resolved That planning application LA09/2023/0959/F be approved subject to conditions as per the officer's report.

LA09/2023/1052/O Dwelling & garage at 60m NE of 17 Edendoit Road, Pomeroy for Mr Michael Donnelly

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

LA09/2023/1053/F Self-contained granny flat within curtilage of the existing property for the benefit of the occupants of the existing dwelling to the rear of 5 Ardbeg, Donaghmore Road, Dungannon for Brian Cassidy

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

LA09/2023/1069/F 7 dwellings and 8 apartments with associated car parking, private and communal amenity space, landscaping, site works and access arrangements from Chapel Road at lands to the S of Nos 14-44 Fortview Terrace, N of Nos 19-33 Dunleath Avenue, E of Nos 11-17 Drumcree and W of Nos 85-101 Church Street, Cookstown for Kelly Brothers Ltd

Agreed that application be deferred for consideration of ownership challenge.

LA09/2023/1118/F Application under section 54 (in relation to application LA09/2016/0470/F) for the continuance of use of buildings without compliance with condition no.5 of the previous planning permission granted as a consequence of changes to the site layout being recently accessed and the subsequent review of the Noise Impact Assessment now superceded with a new up to date Noise Impact Assessment hereby submitted at 111 Ballynakilly Road, Coalisland for Formac Limited

Mr Marrion (SPO) presented previously circulated report on planning application LA09/2023/1118/F which had a recommendation for approval.

Councillor Cuthbertson advised that there could be an incident where he had declared an interest in the original application and unsure which one that this condition was included in. He stated that he has had no interest in this current application but was concerned about why planners thought it was necessary to include this condition in to protect the residential homes and also Council playpark which is beside the site also and wondered how we can just remove it.

Councillor Cuthbertson proposed that a site visit be arranged so members can see for themselves the situation as it was so close to dwellings.

The Chair felt that going out on site to monitor noise levels would always be a danger as we may not get an accurate reflection.

Mr Marrion (SPO) directed members attention to previously circulated addendum Item 5.19 which was the notice for previous planning permission LA09/2016/0470/F. The application before members was a Section 54 application to remove condition 5 of LA09/2016/0470/F – *“within 6 weeks of the date of this decision, the enclosure of the buildings referred to in condition 2 will have panelling or a composite/ metal/masonry material fitted as detailed in the Noise Impact Assessment, dated March 2016, additional submissions dated August 2016 and December 2016”* – Reason: *To protect the amenity of neighbouring residents.*

Mr Marrion (SPO) advised that a revised acoustic report had been submitted with the report application which EHO had taken into account. They advised that there is a 5m high barrier that has been constructed around the site, noise within the sheds have been measured and noise at the nearest receptors was also measured which did not exceed noise limits contained in condition 10 within the permission. The SPO said that conditions 2,3,6,7,8,9 and 10 on previous permission should be carried on in any decision taken tonight. The decision being sought tonight is to amend 2016 Decision Notice but should be carrying forward those conditions to ensure that enforcement action is still able to be taken.

Mr Marrion (SPO) referred to the conditions previously mentioned to be included:

Condition 2: The use within the buildings shall be limited, in accordance with the Planning (Use Classes) Order (NI) 2015; to:

- Class B2 within the floorspace identified in yellow and
- Class B3 within the floorspace identified in blue

On drawing No.3 Rev1 bearing the stamp dated 21 Nov 2016

Reason: To protect the amenity of neighbouring residents

Condition 3: Notwithstanding the provisions of the Planning (General Permitted Development) Order (Northern Ireland) 2015, or any other Order revoking and/or re-enacting that Order, no buildings or hard surfaces shall be constructed within the curtilage of this site without the grant of a separate planning permission from the Council

Reason: To allow the Council to consider the impacts of further development on the adjoining residential properties

Condition 6: The doors marked A & B into the existing workshop, as identified on drawing No. 3 Rev 1 bearing the stamp dated 21 Nov 2016 shall be kept closed except for the purposes of moving equipment or materials into the building.

Reason: To protect the amenity of neighbouring residents.

Condition 7: There shall be no deliveries and/or external activity outside the hours 09:00 hours and 18:30 hours Monday to Friday and 09:00 hours to 13:00 hours on Saturdays. There shall be no site activity on Sunday.

Reason: To protect the amenity of neighbouring residents.

Condition 8: Within 6 weeks of the date of this approval, a 2m high raised bund topped with a 2m high acoustic barrier shall be erected along the site's

boundary labelled X, Y and Z as presented on stamped approved drawing; Drawing No. 02 Rev 7 bearing the stamp dated 26 Oct 2018
Reason: To protect the amenity of neighbouring residents.

Condition 9: The barrier referred to in condition 8 shall be constructed of either masonry, timber panelling (Close lapped with no gaps) or of earth and shall have a minimum self-weight of 25 kg/m²

Reason: To protect the amenity of neighbouring residents.

Condition 10: The noise level from the facility with all plant and equipment fully operational shall not exceed the limited in Table 1 – Boundary of 24 Cranebrook Crescent – Noise limit with all plant and equipment fully operational taking place (Db LAeq 1 hour (inc. tonal penalty) at boundary of 24 Cranebrook Crescent - during the permitted hours of operation when measured at a distance of 3.5m from the façade of the appropriate residential property.

Reason: To protect the amenity of neighbouring residents.

The EH Officers are confident that there is no breach of these conditions, and the above conditions will carry forward to this new decision and will still provide the assurances that is needed for the residents for protection of amenity.

Councillor Carney declared an interest in planning application LA09/2023/1118/F.

Proposed by Councillor Mallaghan
Seconded by Councillor Varsani

To accept officer's recommendation for approval.

Councillor Cuthbertson said that he proposed a site meeting and whilst looking at site map, there seemed to be a lot of confusion over what is and what is not included in the red line and a number of sheds currently going up at the moment and felt that it would be useful to see it on site.

Proposed by Councillor Cuthbertson
Seconded by Councillor Robinson

To arrange a site visit so members can see for themselves the situation.

The SD: PI said that he wished to ask a very simple question and in terms of issues raised by the member, enquired what the difference would be if this application wasn't approved in terms of noise and noise protection, given that there is an existing approval already. Advice has been taken from the experts and there have been no concerns raised.

Councillor Cuthbertson said that from his reading of it, first of all planners had seemed fit to implement that condition back in 2016 to protect residents. There was also talk about an earth mound which he had seen when he was down at the playpark a few weeks ago and believed there was a condition in place. Although he did not hear the SPO reading it out tonight, there was a piece of ground close to the

Council playpark which was to be reinstated in grass, this does not seem to be the case and confusion over a number of different planning applications. If this condition now of cladding being removed from the walls of the building and work intensifies within the building its going to put at risk the noise to neighbouring residents.

The Chair advised that 2 proposals were put before members tonight;

Councillor Mallaghan's proposal was put to the vote to accept the recommendation:

For	8
Against	6

Councillor Cuthbertson's proposal was put to the vote to hold a site visit:

For	6
Against	8

Councillor Mallaghan's proposal was carried.

Resolved That planning application LA09/2023/1118/F be approved subject to conditions as per the officer's report.

LA09/2023/1139/F Site for dwelling in infill site at adjacent to 69A Kinturk Road, Cookstown for Mr Martin McVey

Members considered previously circulated report on planning application LA09/2023/1139/F which had a recommendation for approval.

Proposed by Councillor McFlynn
Seconded by Councillor Clarke and

Resolved That planning application LA09/2023/1139/F be approved subject to conditions as per the officer's report.

LA09/2023/1166/F Extension to existing school at Kilronan Special School, Ballyronan Road, Magherafelt for Education Authority

Members considered previously circulated report on planning application LA09/2023/1166/F which had a recommendation for approval.

Proposed by Councillor Clarke
Seconded by Councillor McFlynn

Resolved That planning application LA09/2023/1166/F be approved subject to conditions as per the officer's report.

LA09/2023/1217/O Dwelling and garage on a farm at land adjacent to 30 Killyfaddy Road, Magherafelt for Mr Ian Brown

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

LA09/2023/1323/O Infill dwelling and garage adjacent to and NW of 152 Caledon Road, Aughnacloy for Mr Lloyd Crawford

Members considered previously circulated report on planning application LA09/2023/1323/O which had a recommendation for approval.

Proposed by Councillor Graham
Seconded by Councillor Robinson and

Resolved That planning application LA09/2023/1323/O be approved subject to conditions as per the officer's report.

LA09/2023/1377/O Dwelling and garage under at 30m W of 153 Washingbay Road, Coalisland for Mr Philip Brady

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

Councillor Kerr sought clarification on whether a deferral was previously sought as it was his understanding that the agent was in attendance to speak on the application.

Ms Doyle (HLP) advised that a deferral was requested in this instance and not a speaking request.

The Agents which were in the room advised that they were content that the application was deferred for an office meeting.

LA09/2018/0754/O Dwelling and garage at 20m W of 35 Moss Road, Ballymaguigan, Magherafelt for Christopher Cassidy

Ms McKinless (SPO) presented a report on planning application LA09/2018/0754/O advising that it was recommended for refusal.

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

Councillor Robinson left meeting at 6.02 pm.

Ms McKinless (SPO) said that it was her understanding that Mr Cassidy had already used his speaking rights on this application previously.

Ms Doyle (HLP) advised that the minutes for 4 September 2018 – LA09/2018/0754/O – the Head of Development Plan presented report, the Chair had advised the committee a request had been received and invited Mr Cassidy to address the committee, and he did so.

The SD: PI stated that he had some sympathy for Mr Cassidy here, but he kept playing these games and doing this stance, how many planning applications and enforcement notices in relation to this site has occurred and each time it ends up

being the same. The Planning Appeals Commissioner has now given up several decisions on this site, all of which has went against Mr Cassidy, he is now claiming it is infill on the basis of a portacabin. The SD: PI advised that a portacabin in not a building, same as a caravan and this was not an argument that was work pushing as it was only a temporary structure. The second part of Mr Cassidy's argument is that Council had taken temporary structures in the past which was true, but have watched attentively with Planning Appeals as this has been an issue across Northern Ireland, like a sheep shelter becoming a building and only something a farmer puts there to shelter sheep which can be moved around a field. The SD: PI believes that this was not a building, it will change rural character because Planning Appeals Commission has told us that. He said that equally he would not be duly concerned through the planning process of the development plan if this land was included in the settlement of rounding of for the other side of the road. It was his view if committee moved to approve this application, Council would be brought into disrepute for 2 reasons: firstly, the history of endless appeals and the situation hasn't changed; and second is in relation to the fact we had refused an application already at this stretch of road and site meeting also and felt that the committee may not have much option.

The SD: PI enquired if Mr Cassidy wished to proceed to Planning Appeal yet again, but his advice would be to wait as the plan is at a critical stage of its development and the situation could possibly change as a result where we are going on these types of things. He said that in his view the wisest decision would be to ask the committee to hold it.

Mr Cassidy felt he was being treated completely different to everyone else here tonight.

The Chair said that it was deemed that Mr Cassidy had already spoken on this application in the past.

Mr Cassidy said that he was off the opinion that he did not speak on this application previously.

The Chair advised that it was evident in the minutes dated 4 September 2018 that he had spoken and was also uploaded to the website.

The SD: PI said that he wished to be fair to everybody and suggested deferring this application for one month whilst agreement is reached between both parties through exchange of records of minutes in relation to this matter.

The Chair felt that this was a wise decision as it would be a serious matter if a speaker had not previously spoken wasn't given the opportunity to do so and alternatively if speaking requests had been used in the past this could set a precedent and felt there was an onus on the committee to get it right.

Proposed by Councillor S McPeake
Seconded by Councillor Black and

Resolved That planning application LA09/2018/0754/O be deferred for one month to exchange confirmation of speaking rights used.

Councillor Robinson returned to the meeting at 6.10 pm.

LA09/2019/0179/F Continued 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 at lands 70m S of 177 Annagher Road, Coalisland for DMAC Engineering

Mr Marrion (SPO) presented previously circulated report on planning application LA09/2019/0179/F which had a recommendation for approval.

Councillor McFlynn advised that this factory was approved with condition 12 attached for operating hours and according to the report there is 37 objections made in regard to operating hours. The member said that it was very clear the DMAC are continually abusing the condition and would not be happy to approve the recommendation to extend the operating hours. The member enquired if there was any consideration given to the residents who were living locally there, she said that this was unfair to the elderly and young families as this meant they were going to be up from 5.30 am to facilitate the factory which is beside them. The member felt that it would be unfair for the committee to overturn the decision on the opening hours being extended.

Councillor McFlynn proposed to refuse the application to extend the opening hours.

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

In response to a query regarding previous speaking rights being used by the objector or his representative, Ms Doyle (HLP) advised that no representative had been made. In August 2023 there was input from Mr Cassidy and Mr Grainger on behalf of DMAC but none for objector.

Mr Hughes advised that he found it difficult to understand that no records has been held given the fact that he attended a site meeting at a neighbours house and also with representatives from Environmental Health. He said that he was making this representation on behalf of local residents objecting to this planning application. This operation has already worked outside planning condition 12, DMAC has never adhered to condition 12, this was under investigation with Environmental Health as DMAC could not keep fumes inside their buildings the same as Northway Mushrooms not keeping the odour inside their factory boundary. A number of objections have been made on this application as it fails adequately due to the fumes and odour not being confined to one site. Numerous complaints to Environmental Health have been made regarding the fumes and odours which had been witnessed by them and the impact this is having on local residential homes. He said that it this has breached resident's human rights as laid out in the European Court of Human Rights as it interferes with residents enjoyment of their properties. Mr Hughes advised that if this planning application is approved that residents would be taking this case to full judicial review.

The SD: PI said that he wished to respond to a few things, as a committee if a person threatens with judicial review, we need to consider everything that needs considering and come to a decision which is deemed reasonable. He said that he was conscious that for over a decade he was between parties on either side and was not loved by either. Members who have been on this committee for a long time would recall that this was one of the first applications brought before committee. When decision was made then a lot of conditions were placed on the application to protect residents, but we had to bear in mind that this was a business operation which was accommodating the economy in Mid Ulster, however no-one was a saint here and was aware of issues arising in relation to drainage, moving rubble, fumes and chimneys etc, and to some extent the objectors concerns which relate to fumes which is coming across quite clearly, but the decision here is not about fumes, it's about hours of operation, we have enforced conditions and will continue to look for court action if this is not adhered too. Why would a business not be allowed to go in and clean up overnight like shops and factories etc, assumption is all or nothing here, what he was reading was employees will go in to prepare somethings from 6am and they were very aware of what and what not to do. Work will be contained within the buildings itself, to clean equipment and mix paint, sprays etc and doors remaining closed and no activities in the yard, no extractor fans and being quite clear on controlling vehicles on site. The SD: PI advised that conditions were put on an application in order to facilitate the approval of an application if not opposed, in this instance we are not removing a condition but placing a lot other constraints.

Proposed by Councillor Mallaghan
Seconded by Councillor Kerr

To approve the application.

The Chair advised that 2 proposals were in front of members tonight, one in favour of and one against approving the application.

Councillor Mallaghan advised that on a point of order if Councillor McFlynn did not get a seconder for her proposal, do committee need to proceed with a vote on this application.

The Chair advised that as no seconder had come forward for Councillor McFlynn's proposal to refuse the recommendation, the application be approved.

Councillor McFlynn wanted it recorded that she would not be supporting the recommendation for approval and would be opposed to the working hours being extended to 6am, solely on the provision that DMAC have continually not adhered to Condition 12 through the entirety the whole time they have been operating.

Resolved That planning application LA09/2019/0179/F be approved subject to conditions as per the officer's report.

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

Members considered previously circulated report on planning application LA09/2021/0480/F which had a recommendation for approval.

Proposed by Councillor Clarke
Seconded by Councillor McFlynn and

Resolved That planning application LA09/2021/0480/F be approved subject to conditions as per the officer's report.

Councillor Black left the meeting at 6.34 pm.

LA09/2021/1672/F Change of house type and relocation of dwelling and domestic garage from approved M/2013/0414/F and domestic garage at approx. 100m N of 34 Ferry Road, Coalisland, Dungannon for R Patrick and Mrs Lisa Trainor

Mr Marrion (SPO) presented a report on planning application LA09/2021/1672/F advising that it was recommended for refusal.

Councillor Mallaghan said that he happened to notice a few weeks ago that a new application had been received and enquired if this was on the same site.

Mr Marrion (SPO) advised that a new application was received to retain the existing empty building on the site.

Proposed by Councillor S McPeake
Seconded by Councillor Robinson and

Resolved That planning application LA/2021/1672/F be refused.

LA09/2022/0714/O Dwelling and domestic garage at 120m SW of 119 Mullaghboy Road, Bellaghy for Mr Peter Doherty

Members considered previously circulated report on planning application LA09/2022/0714/O which had a recommendation for approval.

Proposed by Councillor D McPeake
Seconded by Councillor S McPeake and

Resolved That planning application LA09/2022/0714/O be approved subject to conditions as per the officer's report.

LA09/2022/1367/F Two storey dwelling and garage at 10m N of 56 Quarry Road, Knockcloghrim for Gerard Ward

Members considered previously circulated report on planning application LA09/2022/1367/F which had a recommendation for approval.

Proposed by Councillor D McPeake
Seconded by Councillor Clarke and

Resolved That planning application LA09/2022/1367/F be approved subject to conditions as per the officer's report.

LA09/2023/0025/F Retention of existing shed for mix of domestic storage and agricultural machinery adjacent to 26A Brookmount Road, Ballinderry Bridge, Cookstown for Francis Rocks

Ms McKinless (SPO) presented previously circulated report on planning application LA09/2023/0025/F which had a recommendation for approval.

Ms McKinless (SPO) brought to members attention late objection on Item 6.7 of previously circulated addendum. She advised that the late objection raised 3 objections which may need clarification.

The SPO said that within her report she had deemed it acceptable in terms of policy but this late objection had raised three points.

1. Dormancy of the Farm Business

DAERA were consulted regarding the applicant's farm details and they confirmed that the applicant was indeed allocated a business ID number in 2005 but was now dormant. The objector stated as DAERA has classified the business as dormant, this now means that the farm business cannot be considered currently active or established. He also contends that there was a lack of evidence presented to demonstrate farming activity.

The SPO would advise members that the applicant has provided conacre agreements to the planning department which is considered as evidence of activity. At the deferred office meeting which the applicant attended with herself and Dr Boomer, advised that he was heavily involved in the upkeep of the lands, the SPO had carried out a site visit and was inside the shed and there was evidence of a tractor and small items of machinery. It was also important to note that the shed was only partly used for agricultural storage and part for domestic storage and was considered as adequate evidence to provide that the farm was currently active and established.

2. Affidavits and Conacre Agreements

The applicant submitted conacre agreements and titled them as affidavits and within her report she had agreed with the objector that these were not affidavits as they were not signed in the presence of a solicitor. Members should note that policy does not specify that an affidavit or any type of legal document is deemed necessary to prove an active or established holding as the planning department does accept a range of evidence in order to make a balance in an informed recommendation. Not every conacre between farmers will use a same template and agreement provided with this application was typical of the agreement that planning usually accept.

3. Statutory Responsibility of Planning Officers

The objector stated that he had concern about the decision being made on a robust interrogation of supporting evidence. The SPO advised members that the case was initially assessed by a case officer and discussed in detail between herself, Dr

Boomer, the applicant and his advisors where additional information was requested and submitted and fully considered. The SPO said that she had visited the site and was inside the shed in question and all material planning issues raised by the objector have been fully considered and referenced within the report.

Ms McKinless (SPO) said that in her opinion there has been a proper and full consideration of all the evidence and remains her recommendation to members to approve this application subject to the conditions as set out within her report.

Councillor Black returned to the meeting at 6.40 pm.

Proposed by Councillor McFlynn
Seconded by Councillor D McPeake

Resolved That planning application LA09/2023/0025/F be approved subject to conditions as per the officer's report.

LA09/2023/0251/F 2 storey dwelling with 1½ storey garage attached via carport at 50m E of 55 Killycanavan Road, Dungannon for Eugene Devlin

Members considered previously circulated report on planning application LA09/2023/0251/F which had a recommendation for approval.

Proposed by Councillor Kerr
Seconded by Councillor Clarke and

Resolved That planning application LA09/2023/0251F be approved subject to conditions as per the officer's report.

LA09/2023/0629/O Gap site for dwelling and domestic garage at lands approx. 60m NE of 45 Derrytresk Road, Coalisland for Mary Daya

Members considered previously circulated report on planning application LA09/2023/0629/O which had a recommendation for approval.

Proposed by Councillor McFlynn
Seconded by Councillor Kerr and

Resolved That planning application LA09/2023/0629/O be approved subject to conditions as per the officer's report.

P031/24 Receive Report on the Councils consideration of the launch of the Consultation on Onshore Petroleum Policy

Mr Bowman, Head of Strategic Planning (HSP) presented previously circulated report to provide members with information regarding the Department for the Economy's consultation regarding Onshore Petroleum Licensing Policy and advise of our response.

The HSP outlined the options which were to be considered in point 3.10:

- 1) Option 1 – Status Quo – Do nothing
- 2) Option 2 – Change from open door policy to licensing round in defined areas
- 3) Option 3 – Moratorium and eventual legislative ban on exploration or production of unconventional hydrocarbons; or
- 4) Option 4 – Moratorium and eventual legislative ban on all forms of onshore petroleum exploration and production.

The HSP advised that the DfE's preferred option would be Option 4.

Councillor J Buchanan left the meeting at 6.40 pm and returned at 6.45 pm.

Councillor Mallaghan left the meeting at 6.48 pm and returned 6.50 pm.

Councillor Varsani said that by reading through the report and noting that the Department has done previous reports in Peru and other parts of the world, felt that it was a little dystopian reading through it when considering the areas which may have potential for petroleum onshore. This would include Lough Neagh area including the bed and areas of beauty in Fermanagh and West Tyrone. The member said that although the report is very detailed, she felt that Council could be a little bit stronger in saying that we categorically would wish to move to Option 4 which is absolutely an outright ban. The member stated that she was almost appalled that green energy options were not being discussed and almost like a relic considering this report and would strongly like to recommend Option 4.

Councillor Kerr concurred with Councillor Varsani's comments on approving Option 4 as many other Councils are supporting a ban on fossil fuel extraction. The member said that this was not just fracking and if we were serious about climate change, we should not be starting a new industry here, we should be rolling out community renewal energy, an alternative green energy to replace fossil fuels. He highlighted that one of these potential applications has been earmarked for Lough Neagh which we do not need on top of the many issues Lough Neagh is currently experiencing. If such an application was allowed to go ahead it would totally decimate the many positive aspects attached to Lough Neagh. The member said that he would be happy to second Councillor Varsani's proposal to proceed with Option 4.

Councillor Clarke said that he had listened attentively to the discussion and would be happy to support the proposal made by Councillor Varsani to proceed with Option 4.

The Chair said that he listened to the comments and asked that the response be strengthened up to reinforce Option 4.

Proposed by Councillor Varsani
Seconded by Councillor Kerr and

Resolved To agree the contents of the report and that Option 4 be submitted as the Council's response to the Consultation.

P032/24 Receive Report on Review of SPPS on the Issue of Climate Change

Ms McCullagh, Principal Planner (PP) presented previously circulated report to provide members with information regarding the Department for Infrastructure's consultation regarding 'The Review of the SPPS on the issue of Climate Change' and advise of our response.

The Chair said that this was a good report and was interesting to hear the last piece within the report where it refers to rural dwellings and see the figures where there is a sharp decrease from 2006 to where it currently is now. He said that it was evident that there was no danger of overpopulating the countryside with the rate of development and was the first time he had seen a stark rate put to it.

The Chair said that there was a huge focus on flood risk, buildings and floodplains etc and enquired if any work had been done on alternative measures in area which have a potential to become flooded in the long term and asked if there were any experiences we could learn from if an applicant was to put in mitigating measures, could this be worked around.

The Service Director of Planning (SD: PI) advised that this would be on 2 levels. The way policies work at present is that there is a distrust on individual applications of mitigating measures with the reason being because of the degree of certainty being so small and the potential to shift flood waters onto someone else. He said that mitigation can be successful and best example would be Holland where they pump out water below sea level. If we look at areas such as Portsmouth in England where they have taken a huge area of the coast and deliberately keeping it clear due to the risk of tidal surges and if water levels were to rise if predicted, it has to go somewhere, and this is already catered for. The SD: PI believed that the current position being adopted regionally here is not robust enough and would be really worried about flooding happening more frequently due to the predictions on impact of global warming and everyone seems to put it off because they may think it will happen down the line in 50 – 80 years' time. If correct it could mean a lot of things like industrial estates could be flooded and a lot of housing particularly around the Magherafelt area and Lough Shore area could experience flooding which has never experienced flooding before. Within the report we need to look at mitigation rather strategically rather than at an individual house level, thus protecting people who already live there where flooding may occur and felt that this can be accomplished whilst saving us from sterilising lots of land from potential development. We are talking about a long-term vision here.

Councillor Clarke advised that he was very interested in this particular element and had read and has seen that a good bit of work has been done on it but wished to raise a few points. The member referred to Loughs and how a lot depends on how we manage the outflow of water, a few years ago there was serious flooding in Fermanagh and they didn't allow the Lough to be lowered quick enough so the water levels were retained very high and when a heavy rainstorm emerged a lot of flooding occurred. The member said that it was his understanding that there were controls on the Lower Bann and if these controls were activated on time before the Lough fills up there would be capacity to protect this. The member said that we were fortunate to

have in our possession bogs, which is very important in water storage, bogs which have been cut over and damaged do not work as a sponge to soak up for periods of heavy rainfall, many of these bogs are hundreds of acres and surfaces restored to where they were they would make a massive impact on stopping water flowing into rivers and loughs all at one time. The blanket bog can be there like a sponge and could be days and weeks before this water reaches the water courses. The member felt that these two things could be beneficial if activated to be prepared for heavy rainfall by ensuring that the lough levels are not too high when the heavy rainfall comes and the restoration of our boglands which could also make a huge difference.

The SD: PI in response to a query regarding who would be responsible for activating the controls advised that responsibility at present would lay with DfI and felt that on those both points Council should be pushing for the multi-agency approach rather than from one single department. The SD: PI felt that the member raised a good point in regard to bogs, not only for flooding but also the best way for capturing carbon and Mid Ulster has led the way in terms of some of the actions which has been taken to restore boglands when constructing the observatory at the Dark Skies initiative. We have also served enforcement notices to stop peat extraction and a strong comment would be very important.

Councillor Varsani said that this was a very detailed report with a lot to digest and reflect upon. The member said that one thing which occurred to her was that there didn't seem to be that necessary crossover, although carbon and energy crisis was looked at, they didn't seem to look at the issues exploring where best to locate wind farms, possibly for hydro systems within particular areas where they might be placed. It may be that there could be some exploration between departments, in planning we have looked at it in terms of transport planning or buildings but there should be planning for where best to locate alternative sources of energy and felt that this could be a gap within the report.

The Service Director of Planning (SD: PI) said that a letter could be included with the report to state that the members also raised the following points. He advised that windfarms may have been missed out because planning was involved in another consultation on wind energy and again like everything else it was about what you cannot do rather than about a public investment. It was quite clear when you come to wind energy the important elements are never considered like land and farms and thinking that this can be solved through single wind turbines sited beside someone's home only leads to problems. The only way sustainable energy can be achieved successfully is working in partnership to identify the best locations and acquire them and there was a need to see this done in a National Plan for Northern Ireland rather than relying on a policy approach.

Councillor Kerr said that unfortunately he had to leave the meeting early but wanted to wish Dr Boomer well in his retirement and hoped that he didn't miss the members too much.

Councillor Kerr left the meeting at 7.12 pm.

Councillor D McPeake advised that it was his understanding that the sluice gates in Toome were controlled by Rivers Agency who raise and lower the gates and keep a flow on the River Bann.

Councillor Mallaghan referred to remarks from the SD: PI and how he probably had spent a lifetime at this planning a town, phase 1, phase 2 development plan and green areas etc and felt that this was a way we were going to have to look in terms of renewable energy going forward. The member stated that there were too many examples of where wind turbines were put into places and then bring the infrastructure miles and miles to get there in order to draw the power back. Similarly what will be next will be the wide expansion of solar fields, with one prime example being Belfast International Airport where they are proudly portraying their renewable energy, but their solar fields are 5 to 6 miles up the road from the site, but if this was looked at in a rational way, lands would be zoned next to the industrial estates and zoning lands to big energy using properties like airports and ports to ensure that they were being kept close together. The member said that by doing that zoning at an early stage would make it easier for planning process for someone going forward if they wished to change their land use and felt that this should be included in terms of thinking going forward.

Proposed by Councillor S McPeake
Seconded by Councillor Mallaghan and

Resolved To note the contents of the report and agree that the Service Director of Planning can reply as such to Dfl.

P033/24 Receive Report on the Lessons from the last 10 years of Planning

Dr Boomer, Service Director for Planning (SD: PI) presented previously circulated report to examine what lessons what can be learnt over the last 10 years from the Performance of the Planning Department and identify any key failings in the system.

The SD: PI stated that a key theme in local government currently is moving from transition to transformation. He provided members with an update on planning performance and statistics, covid pandemic matters in relation to backlog, ability to retain staff, agility, trainee planner program and Local Development Plan

The SD: PI updated members with a brief overhead view on:

- Applications Received
- Applications Decided
- Applications Approved
- Applications Live
- Local Applications Withdrawn
- Enforcement cases Received
- Enforcement 70% conclusion times (target 39 weeks or less)
- Enforcement Prosecution
- Enforcement Convictions

Councillor McConnell left the meeting at 7.40 pm.

The Chair thanked the SD: PI for his very informative update and said that we have come a long way in the last 8 – 10 years and was remarkable and a lot of stuff to be proud of when members see it outlined in the cold light of day.

Proposed by Councillor Mallaghan
Seconded by Councillor Clarke and

Resolved That it be agreed:

- a) That the Head of Strategic Planning follows up with the representation made to the Public Accounts Committee on 22nd June 2022 on the adequacy of the Plan System.
- b) That the Committee note the lessons learnt to date.

The Chair said that now might be an opportune time to go into confidential business as he was aware of a speaker waiting to raise his planning application in confidential business.

Councillor Mallaghan stated that the other two items were short in terms of what is says and they have already been through the scheme of delegation and would be happy to propose the two following reports for approval if there was a seconder and if further discussion was needed at a later stage, then this can be accommodated.

P034/24 Receive Report on Performance Improvement Measures

Ms Doyle, Head of Local Planning (HLP) presented previously circulated report to present with members the new measures to improve the performance of the Planning Department in Mid Ulster District Council.

Proposed by Councillor Mallaghan
Seconded by Councillor Clarke and

Resolved To agree to the introduction of a validation checklist as a tool to improve the processing times of planning applications.

P035/24 Receive Report on Organisation of the Planning Department and Scheme of Delegation for Planning

Dr Boomer, Service Director for Planning (SD: PI) presented previously circulated report to request that members agree the structure, responsibilities and accompanying Scheme of Delegation for Planning functions for Financial Year (April 2024).

Proposed by Councillor Mallaghan
Seconded by Councillor Clarke and

Resolved That Members of Planning Committee and Policy & Resources Committee agree that the revised scheme of delegation and instruct the Service Director to seek approval of the Department before it

comes into effect and is published on the Council's website in April 2024.

Matters for Information

P036/24 Planning Committee Minutes of Meeting held on 6 February 2024

Members noted previously circulated minutes of Planning Committee held on 6 February 2024.

Live broadcast ended at 7.55 pm.

Local Government (NI) Act 2014 – Confidential Business

Proposed by Councillor Mallaghan
Seconded by Councillor Clarke 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 P037/24 to P41/24.

Matters for Decision

P030/24 Planning Applications for Determination (continued)
P037/24 Receive Enforcement Report
P038/24 Hybrid Meetings

Matters for Information

P039/24 Planning Committee Confidential Minutes of Meeting held on 6 February 2024
P040/24 Enforcement Cases Opened
P041/24 Enforcement Cases Closed
P042/24 Enforcement Live Case Load
P043/24 Any Other Matters

P044/24 Duration of Meeting

The meeting was called for 5pm and concluded at 8.35 pm.

Chair _____

Date _____

Annex A – Introductory Remarks from the Chairperson

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

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

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

- If you have joined the meeting remotely please keep your audio on mute unless invited to speak and then turn it off when finished speaking
- Keep your video on at all times, unless you have bandwidth or internet connection issues, where you are advised to try turning your video off
- If you wish to speak please raise your hand in the meeting or on screen and keep raised until observed by an Officer or myself
- Should we need to take a vote this evening, I will ask each member to confirm whether you are for or against the proposal or abstaining from voting.
- For members attending remotely, note that by voting on any application, you are confirming that you were in attendance for the duration of, and that you heard and saw all relevant information in connection with the application you vote on
- When invited to speak please introduce yourself by name to the meeting. When finished please put your audio to mute.
- For any member attending remotely, if you declare an interest in an item, please turn off your video and keep your audio on mute for the duration of the item.
- An Addendum was emailed to all Committee Members at 5pm today. There is also a hard copy on each desk in the Chamber. Can all members attending remotely please confirm that they received the Addendum and that have had sufficient time to review it?
- If referring to a specific report please reference the report, page or slide being referred to so everyone has a clear understanding
- For members of the public that are exercising a right to speak by remote means, please ensure that you are able to hear and be heard by councillors, officers and any others requesting speaking rights on the particular application. If this isn't the case you must advise the Chair immediately. Please note that once your application has been decided, you will be removed from the meeting. If you wish to view the rest of the meeting, please join the live link.

- Can I remind the public and press that taking photographs of proceedings or the use of any other means to enable persons not present to see or hear any proceedings (whether now or later) or making a contemporaneous oral report of any of the proceedings are all prohibited acts.

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



ADDENDUM TO PLANNING COMMITTEE AGENDA

FOR PLANNING COMMITTEE MEETING ON: 05 March 2024

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

Chairs Business – DFI Consultation on stopping up/abandonment of Killybracken Road

ITEM	INFORMATION RECEIVED	ACTION REQUIRED
5.5	Late info on behalf of Objector LA09-23-0238-F	Members to Note
5.18	Late Objection – LA09-23-1069-F	Members to Note
5.19	Decision for LA09/2016/0420/F	Members to note conditions 2,3, 6, 7, 8, 9 & 10
6.1	Certificate of lawfulness	Members to note
6.7	Late Objection LA09-23-0025-F	Members to note

Minutes of Meeting of Policy and Resources Committee of Mid Ulster District Council held on Thursday 7 March 2024 in the Council Offices, Burn Road, Cookstown

Members Present

Councillor Corry, Chair

Councillors Bell, F Burton, J Burton, Cahoon, Gildernew, Johnston, McAleer, McFlynn, McLean, McLernon, S McPeake, Molloy, Wilson

Officers in Attendance

Mrs Canavan, Strategic Director of Organisation Development, Strategy and Performance (SD: ODSP)
Ms McCartney, Strategic Programme Development Manager (SPDM)
Mr McGuckin, Head of Strategic Services and Engagement (HoSS&E)
Mrs McNally, Assistant Director of Corporate Services and Finance (AD: CS&F)
Mr Moffett, Assistant Director of Organisational Development, Strategy & Performance (AD: ODSP)
Mr O'Hagan, Head of IT (HoIT)
Mr Scullion, Assistant Director of Property Services (AD: PS)
Mr Tohill, Strategic Director of Corporate Services & Finance (SD: CS&F)
Miss Thompson, Committee and Member Services Officer

The meeting commenced at 7.01 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 by referring to Annex A to this minute.

PR052/24 Notice of Recording

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

PR053/24 Apologies

Councillor Totten and Ms Dyson, Head of Human Resources.

PR054/24 Declarations of Interest

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

PR055/24 Chairs Business

Councillor McLernon spoke in relation to recent correspondence from the Minister for Communities regarding ending the provision for hybrid meetings from 6 March. The

Councillor stated that Councillor Mallaghan on behalf of Sinn Féin has tabled a motion for the forthcoming Council meeting and called on all parties to support the motion with a unified voice so that Council can call on the Minister for Communities to urgently progress regulations to enable hybrid meetings for Councillors. Councillor McLernon stated that having the provision in place makes political life more accessible to Councillors and staff and to those who have other demands on their life such as caring responsibilities, parenting, university, disability and illness. The Councillor stated that money has been invested into providing these provisions within Councils and that everyone recognises and appreciates the positive impact hybrid participation has had. Councillor McLernon stated that 8 March is International Women's Day and that everyone should identify the importance of making political office more accessible to women and highlighted that the recent correspondence from the Minister only goes to create another barrier to making it less accessible.

The Chair, Councillor Corry echoed Councillor McLernon's sentiments and stated that the correspondence was very disappointing particularly when considering climate change and reducing our carbon footprint and is something that needs to be reconsidered.

Councillor McLean stated he recognised that there is a need for hybrid meetings and that he had also made representation in that regard. Councillor McLean assured Councillors that conversations have been had with the Minister and explained that the situation has arisen because the legislation which was brought in was emergency legislation due to Covid and that this legislation has lapsed before there has been opportunity to have discussions with all parties. The Councillor advised that he had received assurance from the Minister that there will be consultation and future provision for hybrid meetings.

Councillor Burton stated she agreed with the previous speakers and that the matter is also an item for discussion at the NILGA meeting tomorrow and that it would be a real concern if the hybrid option was not available going forward. The Councillor referred to her recent illness and that the option to join meetings remotely during that time had been a great support to her. Councillor Burton recognised the fact that the legislation was brought in during Covid and that emergency legislation cannot be worked under forever but reiterated the importance of the hybrid option and that hopefully the legislation could be renewed in the near future.

The Chair, Councillor Corry stated that Councillor McLean's comments were positive and that she looked forward to the matter coming back for the reasons outlined by Members. Councillor Corry stated that the hybrid option widens participation and highlighted that the deputation tonight was for parent alienation and that the representative had planned to join remotely but was now unable to.

Councillor Wilson asked how the law covers presentations made to Committee where no decisions will be taken. The Councillor stated that it could be up to three months before legislation comes back and that this would be a long time to hold up groups who want to present and felt it would be worthwhile to seek clarification on this element.

The Chair, Councillor Corry stated that officers would seek advice on the matter raised by Councillor Wilson.

Councillor S McPeake agreed with the Members comments and the importance of the hybrid option and stated that the matter was discussed at PCSP and that those Members were also concerned at the impact of the removal of this option and that clarification is being sought.

PR056/24 Deputation – Parent Alienation

The Chair, Councillor Corry advised that the representative was unable to attend tonight's meeting and that the presentation would be rescheduled.

Matters for Decision

PR057/24 Draft Consultation Response on the DFI Water and Sewerage Charges - Options for Revenue Raising Consultation

The Head of Strategic Services and Engagement (HoSS&E) presented previously circulated report which outlined Council's response to the DFI Water and Sewerage Charges - Options for Revenue Raising Consultation.

The Chair, Councillor Corry thanked the officer for the response and agreed that provision is already made for water services within rates.

Councillor McLean felt that more could be added to the response and referred to recent meetings he had had with NI Water. The Councillor highlighted that one of the issues he is aware of and that is becoming more prevalent is that NI Water are putting severe charges on developers in the process of what they call offsetting. Councillor McLean referred to town centres where capacity has been reached for sewerage and stated that if a developer wants to put additional sewerage into the system they have to offset the storm water by 12 times. The Councillor stated that Council is trying to encourage development in town centres in order to enhance them and make them more accessible etc but that if a developer wants to renovate a derelict building in a town centre then the biggest stumbling block for that development is NI Water. Councillor McLean stated that the cost of the offsetting is where the charges come in as developers have to collect rain water from adjacent properties, that this has to be calculated with consultants being paid to carry out the work and that the time taken to do this work can be in excess of a year. Councillor McLean stated that when a developer does get permission to go ahead with the work they then have to use a NI Water contractor and that all those charges have to be paid for. The Councillor stated he was aware that the cost of all this work for one development came to almost £1 million and that the reality of this is that the cost then has to be passed on to a future buyer. Councillor McLean stated that he would be happy to work with officers to add to the response as outlined.

The Chair, Councillor Corry thanked Councillor McLean for the contribution which she stated is important to include in the response.

Proposed by Councillor Molloy
Seconded by Councillor J Burton and

Resolved That it be recommended to Council to approve the draft response as set out at Appendix A of report for submission and to include commentary in relation to costs being imposed on developers by NI Water.

PR058/24 Request(s) to Illuminate Council Property

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

- Linking Generations NI: Global Intergenerational Week 2024: 24 April: Colour Pink
- Sarcoidosis UK: Global Sarcoidosis Awareness Month: 26 April: Colour Blue

The HoSS&E advised of an additional request which had been received since the report was published to mark World Parkinson's Day on 11 April. Councillor Wilso proposed the additional request saying it was particularly appropriate as former councillor Mr George Shiels who suffered from Parkinson's had recently passed away.

Proposed by Councillor Wilson
Seconded by Councillor F Burton and

- Resolved** That it be recommended to Council to illuminate the three designated Council properties as follows –
- Linking Generations NI: Global Intergenerational Week 2024: 24 April: Colour Pink
 - Sarcoidosis UK: Global Sarcoidosis Awareness Month: 26 April: Colour Blue
 - World Parkinson's Day: 11 April Colour Blue

PR059/24 Scheme of Delegation for Senior Officers

The Assistant Director of Corporate Services and Finance (AD: CS&F) presented previously circulated report which provided update and sought approval on amendments to the Council's Scheme of Delegation for Senior Officers.

The AD: CS&F highlighted that the job titles of officers within planning going forward are Planning Lead for Strategic Planning and Planning Lead for Local Planning instead of current Head of in both cases at present. The AD: CS&F stated that the proposed changes are set out at 3.2 of the report and clarified that the changes in terms of planning do not change what is being delegated to the Planning Committee but makes clear which of the planning leads will take on the various aspects of planning delegation going forward.

Proposed by Councillor McLean
Seconded by Councillor S McPeake and

- Resolved** That it be recommended to Council to approve the amended Scheme of Delegation for Senior Officers as included in Appendix to report and that it takes effect on 1st April 2024.

PR060/24 Member Services

No issues.

Matters for Information

PR061/24 Minutes of Policy and Resources Committee held on 8 February 2024

Members noted Minutes of Policy & Resources Committee held on 8 February 2024.

Councillor Gildernew referred to her question in relation to the Good Employment Charter and whether trade unions had been involved in the development of the Charter and that she had not received a response on this to date.

The Strategic Director of Organisation Development, Strategy and Performance (SD: ODSP) agreed to get back to Councillor Gildernew on the matter.

PR062/24 Performance Improvement: Local Government Auditor's Audit and Assessment (Section 95) Report 2023-24

Members noted previously circulated report which provided update on the key findings of the Local Government Auditor's Audit and Assessment (Section 95) Report 2023-24.

Live broadcast ended at 7.19 pm.

Local Government (NI) Act 2014 - Confidential Business

Proposed by Councillor Bell
Seconded by Councillor McLernon 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 PR063/24 to PR072/24.

Matters for Decision

- PR063/24 SHHP Bellaghy Bawn Writers Residency Project
- PR064/24 Insurances – 2024/25
- PR065/24 Members Allowances Update
- PR066/24 Land and Property Matters
- PR067/24 Capital Programme Budget Priorities

Matters for Information

- PR068/24 Confidential Minutes of Policy & Resources Committee held on 8 February 2024
- PR069/24 Staff Matters for Information
- PR070/24 Financial Report 10 Months to 31 January 2024
- PR071/24 Treasury Management – Update
- PR072/24 Contracts and DAC Registers - Update

P073/24 Duration of Meeting

The meeting was called for 7.00 pm and ended at 7.52 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, [Cookstown/Dungannon/Magherafelt].

I specifically welcome the public watching us through the Live Broadcast. The Live Broadcast as aforesaid, 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.

I would 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 agenda.

**Minutes of Meeting of Environment Committee of Mid Ulster District Council
held on Tuesday 12 March 2024 in Council Offices, Burn Road, Cookstown**

Members Present	Councillor Cuthbertson, Chair Councillors J Buchanan, Cahoon, Kelly, Groogan, Mallaghan, McAleer, McElvogue, McGuigan, McNamee, Quinn, Robinson, Varsani
Officers in Attendance	Mrs Campbell, Strategic Director of Environment (SD: Env) Mr Gallogly, Capital Contracts Manager (CCM) Mr McAdoo, Assistant Director of Environmental Services (AD: ES) Mr Scullion, Assistant Director of Property Services (AD: PS) Miss Thompson, Committee and Member Services Officer

The meeting commenced at 7.00 pm

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

E050/24 Notice of Recording

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

E051/24 Apologies

Councillors J Burton, Martin and Milne.

E052/24 Declarations of Interest

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

E053/24 Chair's Business

The Chair, Councillor Cuthbertson asked officers to bring forward a report for information in relation to Council policy on abandoned vehicles. Councillor Cuthbertson stated he had been approached a couple of times in recent months in

relation to this issue and a report outlining Council policy would be informative for all Members.

Councillor Mallaghan referred to the virtual links for meetings previously sent to Members by Democratic Services and stated that whilst he realised the online option for joining a meeting has stopped pending new legislation he asked that a diary link continue to be sent to Members in the interim.

Matters for Decision

E054/24 Dual Language Signage Requests

The Assistant Director of Property Services (AD: PS) presented previously circulated report which advised of requests for Dual Language Signage from residents on the streets/roads in question, the report also sought members consideration on an application.

Councillor Varsani proposed that requests for Torrent Valley, Coalisland and Clarke Avenue, Maghera move to survey. In relation to re-surveying of Rossmore Road, Councillor Varsani stated there have already been extensive discussions on the issues pertaining to this at other meetings. The Councillor stated that this is the first case in approximately 450 requests and that policy seems to be working well but felt that there were exceptional circumstances regarding the most recent surveying of Rossmore Road namely an administrative error, wrong information being provided to the Environment Committee, to Council and to the Chair of Council and the confusion for residents. Councillor Varsani stated that due to these exceptional circumstances she would propose that Rossmore Road be re-surveyed.

Councillor McElvogue seconded Councillor Varsani's proposal.

The Chair, Councillor Cuthbertson stated that the recommendation is to note the report and that consideration is sought in relation to Rossmore Road. Councillor Cuthbertson stated that surveys of the Rossmore Road took place in 2021 and most recently in 2023 to which there was an administrative error associated with this survey but highlighted that the communication provided to residents was correct. Councillor Cuthbertson stated that policy outlines that where a request is refused then another request will not be considered until the expiry of 12 months from the date at which the Environment Committee refused it and on this basis he felt that each request needs to be dealt with in a consistent manner. Councillor Cuthbertson proposed that the request for Rossmore Road to be resurveyed be held until the 12 month period has expired.

Councillor Robinson stated he would take a similar view to Councillor Cuthbertson in that policy clearly states at point 8 that 12 months must pass before a further survey is considered and that it is important to stick to the policy. The Councillor stated that he accepted that there was an administrative error in relation to Rossmore Road but that this did not change the outcome of the survey and questioned why the policy

should be changed because of an administrative error. Councillor Robinson seconded Councillor Cuthbertson's proposal.

Councillor Varsani stated she understood what was being said but as previously raised at point 7 of the policy it states that in specific circumstances a report may be brought to the Environment Committee to determine an application where there are particular issues requiring the Members consideration. Councillor Varsani stated that for all the reasons previously outlined including the Chair of Council being wrongly informed by the Environment Committee and through minutes and his conversations with residents that there are specific circumstances relating to Rossmore Road and on this basis it is appropriate that the matter be brought back to the Environment Committee for consideration.

The Chair, Councillor Cuthbertson advised that policy does not state it is the role of the Chair of Council to inform residents of the outcome of surveys and that residents can request to be advised of the outcome of a survey. Councillor Cuthbertson stated that in this case a number of residents did request to be advised and the correct outcome was relayed to those residents.

Councillor Robinson stated that 2.1 of the policy states that the policy aim is to ensure that requests for the erection of dual language nameplate signage for existing streets are delivered in a fair, equitable and consistent manner. The Councillor stated that Councillor Varsani's proposal is not consistent and does not meet with the policy aims and objectives.

The Chair, Councillor Cuthbertson stated he would agree with Councillor Robinson's comments and referred to the amount of time and money already spent on surveying Rossmore Road in 2021 and 2023 and that to go out and survey the road again for a third time was a waste of money.

Members voted on Councillor Varsani's proposal –

For – 9

Against – 4

The Chair declared Councillor Varsani's proposal carried.

Resolved That requests for Torrent Valley, Coalisland and Clarke Avenue, Maghera move to survey and that Rossmore Road, Dungannon be re-surveyed in respect of request for dual language signage.

E055/24 Martyns Law Government Consultation: Terrorism (Protection of Premises) Bill – Standard Tier

The Assistant Director of Property Services (AD: PS) presented previously circulated report which advised of a Government consultation on a draft bill to enhance public safety by ensuring premises are prepared for the threat of terrorism. The report sought approval to respond to the consultation.

Proposed by Councillor Cuthbertson
Seconded by Councillor J Buchanan and

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

E056/24 Dfl Roads Proposal to Mid Ulster District Council – Disabled Persons Parking Bay at Fairhill Road, Cookstown

Members considered previously circulated report which sought agreement in relation to proposal to introduce a Disabled Persons Parking Bay at Fairhill Road, Cookstown.

Proposed by Councillor Robinson
Seconded by Councillor Cahoon and

Resolved That it be recommended to Council to endorse the proposal submitted by Department for Infrastructure Roads in relation to proposal to introduce a Disabled Persons Parking Bay at Fairhill Road, Cookstown.

E057/24 Dfl Roads Proposal to Mid Ulster District Council – Disabled Persons Parking Bay at O'Neill Park, Ballyronan

Members considered previously circulated report which sought agreement in relation to proposal to introduce a Disabled Persons Parking Bay at O'Neill Park, Ballyronan.

Proposed by Councillor Robinson
Seconded by Councillor Cahoon and

Resolved That it be recommended to Council to endorse the proposal submitted by Department for Infrastructure Roads in relation to proposal to introduce a Disabled Persons Parking Bay at O'Neill Park, Ballyronan.

Matters for Information

E058/24 Environment Committee minutes of meeting held on 13 February 2024

Members noted minutes of Environment Committee held on 13 February 2024.

The Chair, Councillor Cuthbertson referred to his request made at last month's meeting for a report to be brought forward in relation to Council's role and responsibility regarding horses and their welfare and the particular issues relating to a recent case on Cookstown Road. The Councillor stated that there was no report before Members tonight.

The Strategic Director of Environment advised that a report on the matter will be brought before the Committee in April.

E059/24 Tullyvar Joint Committee Update

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

Councillor Mallaghan referred to discussions which have commenced with the company who wants to buy Council's three landfill sites and that he had previously asked for a report to be brought back to committee on the matter. The Councillor stated that he was aware from reading the Tullyvar Joint Committee minutes that discussions are at an early stage but that it be useful for Members to have a report outlining the aspirations of the company for the landfill sites as it would be a significant concern to hand over these large environmental sites to a private company without knowing what type of experience they have and the potential outcomes for Council.

The Assistant Director of Environmental Services (AD: ES) advised that at the last meeting of Tullyvar Joint Committee it was agreed to put further consideration of the proposal referred to by Councillor Mallaghan on hold as an alternative option for the future of the site is being explored, namely a solar farm. The AD: ES advised that it had been agreed at the last Tullyvar Joint Committee meeting to undertake a feasibility study in relation to the siting of a solar farm and consider the outcome of that study before any further consideration is given to the other proposal outlined by Councillor Mallaghan.

E060/24 Public/bank holiday working arrangements for 2024/25

Members noted previously circulated report which outlined the proposed public/bank holiday working arrangements for Environmental Services department for the period 1st April 2024 to 31st March 2025.

E061/24 Bus Shelters Update

Members noted previously circulated report which provided update on current bus shelter status.

The Chair, Councillor Cuthbertson thanked staff for the new bus shelter recently erected at Main Road, Moygashel.

Councillor McAleer referred to appendix 2 of report relating to Annaghnamore Road, Clonoe and that the progress status states that he had confirmed that this application should be withdrawn. Councillor McAleer clarified that he had not asked for this application to be withdrawn and asked that this be updated.

Councillor Quinn stated it was his understanding that a meeting had taken place in respect of this application and that DfI have identified a suitable site for a bus shelter at this location.

Officers agreed to provide update to Members on this issue.

E062/24 Building Control Workload

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

E063/24 Entertainment Licensing Applications

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

E064/24 Dual Language Signage Surveys

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

E065/24 Emergency Planning Update: DAERA MOU

Members noted previously circulated report which outlined review of Emergency Planning support arrangements between District Councils and the Department of Agriculture, Environment and Rural affairs regarding epizootic diseases.

Councillor Varsani referred to earlier discussion in relation to Rossmore Road and potential to try to frame that her proposal is outwith the policy and advised that as raised with the legal department point 7 of policy does allow for exceptional circumstances and that argument has been made for exceptional circumstances in this case. The Councillor referred to 2.4 of the report which advised that the Environment Committee had been delegated authority to process its decision in relation to Rossmore Road. Councillor Varsani also referred to 3.4 of the report which highlighted that the policy is silent on procedure and processes to be followed if an administrative error occurs. The Councillor stated that careful consideration has been given to moving things forward in a constructive, timely and comprehensive manner and expressed thanks to all who helped moved this matter forward in a way that is within policy.

Live broadcast ended at 7.21 pm.

Local Government (NI) Act 2014 - Confidential Business

Proposed by Councillor Robinson
Seconded by Councillor McNamee and

6 – Environment Committee (12.03.24)

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 E066/24 to E075/24.

Matters for Decision

- E066/24 SIB Waste Specialist Resource
- E067/24 Extension to Contracts for Processing of Dry Recyclables
- E068/24 Small Settlements- ICT appointment- Moy Pitch
- E069/24 Maghera Public Realm - IST Contract Award

Matters for Information

- E070/24 Environment Committee Confidential Minutes of meeting held on 13 February 2024
- E071/24 Update on Digital Transformation Work for Refuse Collection Service
- E072/24 Capital Framework – ICT Contracts Update
- E073/24 Capital Framework – IST Contracts Update
- E074/24 Off Street Car Parking Enforcement Contract and Pay on Foot Pilot Update
- E075/24 Lough Neagh/River Blackwater Update

E076/24 Duration of Meeting

The meeting was called for 7.00 pm and ended at 7.41 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, [Cookstown/Dungannon/Magherafelt].

I specifically welcome the public watching us through the Live Broadcast. The Live Broadcast as aforesaid, 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.

I would 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 agenda.

Minutes of Meeting of the Development Committee of Mid Ulster District Council held on Thursday 14 March 2024 in the Council Offices, Burn Road, Cookstown

Members Present	Councillor McNamee, Chair Councillors Bell, W Buchanan, F Burton, Clarke, Corry, Gildernew, McQuade, Molloy, Quinn, Wilson (7.05 pm)
Officers in Attendance	Mr Black, Strategic Director of Communities & Place (SD: C&P) Ms Linney, Assistant Director of Development (AD: Dev) Mr Gordon, Assistant Director of Health, Leisure & Wellbeing (AD: HL&W) Ms McKeown, Assistant Director of Economic Development, Tourism and Strategic Programmes (AD: EDT&SP) Mr McCreedy, Strategic Programmes Service Manager (SPSM) Mrs Grogan, Committee and Member Services Officer
Others in Attendance	Agenda Item 5 – Deputation – Benburb Priory Professor Gerry McKenna Kevin Boyd, Board Member of Benburb Priory Carmel O'Kane, Coordinator of Marketing and Fundraising

- * 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 by referring to Annex A to this minute.

D036/24 Notice of Recording

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

D037/24 Apologies

Councillors Black, Forde, McLernon, Milne and Monteith.

D038/24 Declaration of Interests

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

Councillor Clarke declared an interest in item 7 – Service Level Agreements 2024/25

- Broughderg Area Development Association (BADA) – Davagh Forest MBT Trailhead
- Slieve Gallion (PSG) - Sperrins Partnership

D039/24 Chair's Business

The Chair advised that he had received three items to be raised under Chair's Business.

Councillor Clarke said that he wished to raise the issue of two broadband developments which were operational for a number of years, Project Stratum and another provider. The connection between Cookstown and his area including Dunamore, Blackrock Road and Davagh Road right up to OM, at the time it was assured that any residents that lived along the route could be served and be able to buy into the connection through BT. Fibrus had done most of the heavy lifting throughout most of the area and recently it was discovered that a number of houses in Davagh Park were able to avail of BT fibre connection and was quite certain that OM could also. During the time of the Project Stratum project there were some addresses missed and a huge campaign to get these addresses added on, which happened. It's the case now that there are routes within Council areas which could be available through different funding mechanisms. There was a scarcity of supply and if addresses were not on then it was the case that they were not going to get on through Project Stratum, but felt that there must be spare capacity if that was the case and enquired if Council could delve into this to see what the status of those connections are as Mid Ulster is our focal point, but was the same across other Councils also. He said that other areas are provided in some cases like Omagh, but knowledge is not there, and local people may not be aware that this service is available and as far as he was concerned, this was a very confusing situation. The member enquired if it was possible for Officers to carry out investigations to see what the status is regarding these projects.

The Assistant Director of Economic Development, Tourism and Strategic Programmes (AD: EDT&SP) advised that the issues raised by Councillor Clarke will be investigated. She added that if a report is ready, the matter would be reported back to the next meeting of the Broadband Working Group on Monday 8th April, but noted any delays in obtaining the necessary information could mean the report would have to be brought to a future meeting. The AD: EDT&SP advised the member that Officers would liaise with him directly on the matter to obtain more details.

Councillor Quinn concurred with Councillor Clarke's comments and said that it was no secret of the criticism he had with Project Stratum over the years. The member advised that there were waves of houses which were not added to the project over the years, including mistakes with Land Registry or homes being built too late in the day, including his own home. The member did note that however when BT had offered him broadband connection, Fibrus were very quick to offer him fibre broadband connection

within 2 to 3 weeks when previously he was left off. The member enquired if the houses which were left off originally have been looked into, but later added possibly a year or so later, was there any idea how many were left off and how many have been re-added since BT decided to roll out their scheme.

Councillor Wilson entered the meeting at 7.05 pm.

The AD: EDT&SP advised the member that she did not have the relevant figures with her this evening and again added that Members would be updated on the matter at the next scheduled Broadband Working Group meeting on 8th April 2024. She noted the Working Group normally only consists of those Members nominated to serve on the Group, but on this occasion the invitation is open to all 40 Councillors as Fibrus is attending to deal with some of the issues that arose during the recent storm.

Councillor F Burton enquired if there would be any advantage with joining other Council areas as she was aware of other families experiencing the same issues. The member advised that she had contacted a former Officer from this Council who was now working in another Council area to seek advice and stated that this was not just relative to Mid Ulster. The member advised that Wi-Fi going to people's homes was as important as electricity for home, working and school children's education and may strengthen the argument. The member said where this person is concerned No.s 1 and 2 can acquire Fibrus, No's 3 and 4 cannot and seems to be an issue right across Northern Ireland and may be beneficial to have strength in numbers. The member recalled the Chief Executive stating that if you do not get it now, you would not be getting it for a very long time and felt it was very important to ensure that people across Northern Ireland can acquire this service successfully.

The Chair advised members that the AD: EDT&SP was hopeful that she would be able to bring back the relevant information to the next Broadband meeting due to be held on 8th April in which all members were invited. Any member which had any concerns about broadband should be at the meeting to raise issues.

Councillor Molloy referred to item discussed at Environment meeting on Tuesday night which was connected around the issue of the River Blackwater. The member advised that he had received a disappointing response from DfI Rivers today in relation to a query that was submitted 2 weeks ago in relation to a full blockage of the river at the old Railway Bridge between Verner's Bridge and Bond's Bridge where a lot of storm damage had washed down a lot of branches and trees resulting in the river being completely blocked. A lot of issues had arose including Lough Neagh Rescue being unable to get up the river if required to do so. DfI Rivers advised that they had come out and examined the river and mysteriously the blockage had gone, this was a result of many good volunteers and people coming along 2 Saturday's past with a lot of effort removing the blockage and spent 2 full days with heavy lifting equipment including diggers, winches, tractors, trailers, chainsaws etc, everyone got together to work to remove the debris. The member felt that it was totally unacceptable that this was left to people to open up a waterway which is essential to our tourism offering along with the people who live locally. The member said that this was a disappointing response from Rivers Agency, that a statutory body would allow the local people to carry out this work at a risk to themselves, over the 2 Saturday's 30 to 40 volunteers came along putting themselves in danger on a river with boats and only with a lot of

management ensuring that lifejackets and floatation were supplied. The member stated that this was a disaster waiting to happen, a member of the public trying to carry out this work when there were other agencies who should be doing it and felt that on back of what was discussed at the Environment Meeting on Tuesday night these concerns should be raised on what has been done.

Councillor Quinn concurred with Councillor Molloy's comments and advised that it was discussed on Tuesday night's Environment Committee and was aware that a letter was being sent to the Minister. The member said that it was an absolute disgrace what DfI were allowing to happen, if it wasn't for the likes of Gerard McCourt and others, the blockage would never have been shifted. The volunteers had put themselves at risk getting the equipment, boats and everything raised up which was not an easy job in any shape or form and because the people live and care about the Blackwater they put their lives at risk and got it done. If this was not done there would be no way Lough Neagh Rescue would have been able to come up and possibly save lives as this was a life-or-death situation. The member advised that there was also a blockage at Maghery Canal, Rivers Agency came out and advised that it would be sorted and the very next day they advised the member that it wouldn't be sorted as it wasn't their concern. Rivers Agency were the statutory body which should be responsible for looking after our rivers and the fact now the Mid Ulster Council has to write to a Minister to try and bring this to his attention although he was confident that the Minister will try his best to get it resolved. The member referred to the other Council responsible on the other side of the River who were really not making an effort to do anything and Mid Ulster were nearly having to delve into another Council area to try and get this sorted which says a lot about our Council and also a lot about a neighbouring Council also. The member stated that the longer this goes on, the more chance of a tragedy happening and DfI need to take some responsibility and looked forward to the meeting with the Minister, going forward would hope that this issue is resolved very quickly.

The Chair thanked members for raising their concerns and agreed with the frustrations as this issue was going on for a long time and a solution needs to be found.

Councillor Corry said that they have become aware of an opportunity to deliver a pilot health and wellbeing educational programme within the Mid Ulster area which is led via a clinical and academic evidence-based approach which aims to specifically target brain health including Alzheimer's, Dementia and End of Life Care. The programme is proposed to be delivered via an innovative approach through storytelling and animation, targeted at school children along with linkages to Councils Age Friendly strategy and using arts & culture means to improve health & wellbeing. This opportunity is coming about via potential funding via the Shared Island funding programme therefore requires an application to be submitted and led by a local authority in the South, working in partnership with organisations based in the North. The member sought permission from this committee to give consideration to approving officers to explore the feasibility of this opportunity, to engage with the Shared Island unit and a local authority in the South and understand the opportunities on how to avail of this opportunity via partnership working and to submit a Letter of Support towards the funding application before the application deadline of 28th March. There will be no financial ask of Council and obviously would have to meet any due diligence but if Officers could explore the proposal and link in with the proposed

applicant regarding a Letter of Support. When full details are made available, they could be presented to committee or council as appropriate.

Proposed by Councillor Corry
Seconded by Councillor Gildernew and

Resolved That it be recommended to Council that a Letter of Support be submitted to explore the opportunity before the deadline of 28 March 2024.

D040/24 Deputation – Benburb Priory

The Chair advised that Professor Gerry McKenna, Mr Kevin Boyd and Ms Carmel O’Kane from Benburb Priory were in attendance to provide an overhead presentation and invited them to address the committee. (appendix)

Professor McKenna provided members with a brief overview of the History of Benburb Priory Estate 1, Estate 2 and Estate 3. He advised that Benburb Priory was a leading Cultural and Heritage Centre and outlined its assets and actual and potential offerings. The Cultural and Heritage Centre offers support for conferences, talks, tours and events; lectures and meetings facilities, business meetings, residential accommodation; arts and crafts; facilities for community groups; support for local sports groups; support for local small businesses and tourism. Benburb Priory Priorities offers:

- Spiritual/Pastoral: Supportive, Reflective, Sharing and Caring;
- Social and Cultural: Community Exchange, Community Support, Sport and Recreation, Heritage, Education and Intergenerational Activities
- Commercial: Business Support, Events, Conferences and Meetings

Mr McKenna outlined:

- 1). Benburb Priory Sustainability Physical Requirements:**
Refurbishments and replacement builds (including residential) to support events, conferences and activities; Enhancement of physical estate (improved walkways, signage, interpretative boards etc); Childrens play area; Roadways (Castle), parking
- 2). Benburb Priory Sustainability Human Resource Requirements:**
Management; Accounts/book-keeping; Events organisation; Library & Museum support; Cleaning and Maintenance; Continued support from committed volunteers (a major strength of the Priory)
- 3) Benburb Priory Sustainability External Support Requirements**

Local Community; Local Councils (MUDC and ABC); Religious and spiritual groups; Community Groups and Priory Users; Culture and Heritage Groups (e.g. O’Neill Country Historical Society, Universities, Specialist Groups etc); External funders (Heritage Fund, Peace Plus, Government Departments, Local Councils, Charitable Foundations, Donors etc).

Professor McKenna said that Benburb Priory's Vision is:

'An oasis of spiritual, cultural and social development and a model of community cooperation for the benefit of all'

In conclusion, Benburb Priory is a thriving and vibrant centre but needs the continued and active support of all key organisations and individuals in promoting a sustainable future for the benefit of the local and wider community.

The Chair thanked Professor McKenna for his presentation and said that it was a great asset on our doorstep in Mid Ulster with a lot of history also. He said that he was glad to see the group outlining their vision for the future and would like to think that the Council can support them in any way to keep the magnificent building and everything that was going on there to continue into centuries ahead of us.

Councillor Molloy thanked Professor McKenna for his impressive presentation and may not give justice to what the whole site is. One of the last visits representatives of Dungannon District Council made including himself, Councillor F Burton and Councillor R Burton who was Mayor of the Council at the time, was particular taken with the first edition of King James Bible in the library which was fantastic to be able to come along and access that at the time. The member said that it was a really rich offering that Benburb has there, the walks and riverwalks and was aware of a lot of working being carried out within the last fortnight by volunteers. He concurred with Chair's comment about Council being able to do anything to enable, help or broaden it as it features in really well with The O'Neill dynasty in terms of Benburb, Hill of The O'Neill and Tullyhogue. The member advised the building had an overall history and building on that to let people know what it out there is what it is all about and wished the group very well with the future of it and said that Council will be there to do what they can to help.

Councillor Gildernew stated that she would like to offer her support also to the project. The member advised that she had lived on the Armagh side of the river for a number of years and that herself and children would walk through the Priory over to the village, which was a beautiful, serene setting. The member also advised that she had attended Benburb Sunday on annual basis with her parents and family from they were little and wished to offer support and recently had been out with her brother Colm and staff from her office to offer advice on signposting and funding opportunities. The member wished the group well in their future endeavours going forward.

Councillor Clarke thanked Professor McKenna for this presentation and although he came from the opposite side of the district he had attended and been to Benburb for many years. The member advised that he had a particular interest in history and agreed that it was a great site with an unbelievable setting. He felt that one thing that he missed was the gap between the Christian period and the Castle itself, nearly thousand years, which was an important site during those years as well and during those times and would like to see that brought forward. The member stated that there was a vast collection of unbelievable material in the building and hoped that this could always be preserved, looked after and protected as you could not put a value on it. He wished to be assured that the prime aim of anything that is done in Benburb is protected as there was material there that is nowhere else. There is a need to make

sure everything is in place to protect what is there for the future as it was important for everyone and wished the group and Benburb well going forward on those grounds.

Professor McKenna advised that representatives of Benburb Priory had went to great efforts to implement the new structures and getting top legal advice to ensure the sustainability of Priory. The structure in place cannot be sold or available to any group including the Servite and had went to great effort to say that this was for the future and an asset for the people.

Councillor F Burton left the meeting at 7.40 pm.

Councillor McQuade thanked Professor McKenna and representatives for attending the meeting tonight and stated that Benburb was a fantastic, unique, historical village. The member advised that he lives 3 miles away and like Councillor Gildernew attended Benburb Sunday each year when coming from home Tyrone beating Armagh most years. He agreed that it was a fantastic opportunity and historically we have to do what we can to preserve and keep this historic facility. This site generates fantastic community use, with the hurling and soccer clubs working closely to try and develop an initiative to work within the Priory grounds and over the years a lot of community groups have got a huge benefit out of it and hoped that the Council can do what they can to help going forward.

The Strategic Director of Communities & Place (SD: C&P) thanked Professor McKenna for his presentation and from an Officer's prospective he had the pleasure of attending the Priory and agreed that it was a fantastic facility and also agreed with some of the comments made in that the presentation doesn't capture the full extent of the offering and work. The SD: C&P said that he was aware that Professor McKenna and his team had been linking in with Assistant Director of Development and her team and would continue to provide that support from an Official's prospective, not only looking at what opportunities that are available from a funding and support from the Council, but also look into linking in with some of those wider strategic partnerships, both locally and beyond. The SD: C&P said that he would be really happy to continue working with Professor McKenna and his team in relation to the development of the facility.

The Chair thanked the representatives for attending the meeting tonight and wished them well going forward and advised that the Council would be there to help in any way they can.

The representatives from Benburb Priory withdraw from the meeting at 7.43 pm.

Matters for Decision

D041/24 Development Report

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

- Rolling Community Grant Awards
- Arts Council NI Consultation

- Arts Development Plan
- Hill of The O'Neill and Ranfurly House Plan
- Mid Ulster General Advice Service Annual Review - For Information
- Development Department -Update

Councillor Clarke said that it was brought to his attention that there would be an opportunity for promoting Slieve Gallion through the song. The member advised that the lyrics of the song could be placed on the site of Slieve Gallion and the site he would have considered appropriate would be the site that the Council has developed, which is open and accessible. The member asked that Officers investigate this possibility as it was something that was well known within the area regarding the song relative to this area.

The AD: Dev advised that she would link in with Councillor Clarke regarding this issue.

Councillor Quinn referred to letter from Chair of the Council to Arts Council for Northern Ireland and said that there was so much included which shows the depth of the arts in this Council area which is fantastic to see. The member said that he would like to raise 2 questions, he said that he noticed Mid Ulster Arts Showcase budget was £10k and he had pestered Officers on how this could be increased so we could really see a huge success with that and hoped that this would progress going forward. In regards to the letter to the Arts Council we are at pains to point out the talent we have in this area and the organisations we have, if anyone went to see Westside Story they will agree that it is a fantastic show, it is amazing the talent that is on the stage and also Grease coming to CRAIC theatre in the future. Year on year these two-organisations put on amazing work and people each year go on to win awards and go elsewhere outside the district like Belfast to show them how it is done. The member enquired if a bigger commitment has been seen from the Arts Council yet into these in terms of funding as Covid nearly killed of these organisations and are still living on shoestring budgets and constantly crying out for more money. For every pound we get from Arts Council we get £2 to £3 back and this is why it is very important for Coalisland and Donaghmore as they are depending on that. From his prospective, he does not see any extra money coming into Mid Ulster and still being ignored, which is not the fault of this Council, but was the West of the Bann scenario which annoyed him. The member said that it was his understanding that CRAIC was bringing one of their shows up to Stormont within the next few weeks and months which showcases what they can do with it when they get funding. The member enquired if Officers were aware of anything coming from the Arts Council towards this Council area.

The AD: Dev advised that Council does provide some level of funding through our Strategic Arts and one of the things that it is trying to achieve is a network of the groups to share resources where they can but also get a momentum to lobby. One of the things that they are considering once Council responds to the consultation is getting the Arts Council down to showcase what is happening across the District in community arts and let people see what is happening on the ground.

Councillor Wilson declared an interest in:

- *Ulster Scots Agency*
- *Mid Ulster Pipe Bands*

Councillor Wilson referred to the Arts in general and see what we actually do is great and would support Councillor Quinn on the fact the number of young people involved in the Arts. He said that he had taken his grandkids to see the pantomime in Burnavon and the number of young people on the stage was unbelievable and does wonders for encouraging mental health and wellbeing. In referring to comment regarding the invitation from the Arts Council to meet with these groups, he felt that the Arts Council needs to be invited to come to us and do no harm to be invited to attend this committee. The member said that although the Arts Council supports things, the vast majority is within a 12 mile radius of the M1 and M2 and may be useful to see what the theatres are receiving within that zone compared to what we are getting West of the province.

Proposed by Councillor Wilson
Seconded by Councillor Quinn and

Resolved That it be recommended to Council that an invite be forwarded to the Arts Council inviting them to attend a future committee meeting.

Councillor Gildernew declared an interest in Brantry Bard as Strategic Arts Partner.

Councillor Gildernew referred to 2.6 of the report and referred to the Test and Learn in the Aughnacloy area which was one of the areas that was a great initiative. The member advised that there have been a few meetings so far, first one was in Aughnacloy High School which was attended by all parties and a really good meeting, it was then decided to move forward without elected representative input which may have benefits also. The member stated that a few groups have come forward to say that they haven't been included in the next stage of it and asked if it would be possible to acquire a list who is included and whether people can still be included in the process at this stage.

The AD: Dev advised that Council was linked in with DfC and will check to see if the relevant groups were included as it was about getting as many people involved as possible.

Councillor Corry referred to The Hill of The O'Neill and said after tonight's presentation enquired if there could be an opportunity through Heritage or Open Learning course to tie in Tullyhogue and Benburb around our history of The O'Neills.

Proposed by Councillor Molloy
Seconded by Councillor Clarke and

Resolved That it be recommended to Council to –

- Approve the assessment panel recommendations under the community grants
- Approve the response to the Arts Council NI Consultation
- Approve the annual Arts Development Plan

- Approve the annual Hill of The O'Neill & Ranfurly House Development Plan
- Note the Mid Ulster General Advice Service Annual Review
- Note the update from the Development update.

D042/24 Health, Leisure & Wellbeing Service Level Agreements 2024/25

The Assistant Director of Health, Leisure & Wellbeing (AD: HL&W) presented previously circulated report to agree proposals on Community Service Level Agreements (SLA's) for the financial year 2024/25 only.

Councillor Corry said that she would be happy to propose the recommendation as the groups which undertake the SLA's do great work looking after vital community assets.

Councillor Molloy said that a lot of these groups coming out of Covid had very little footfall in some of their facilities and have to remember that everyone is facing increasing costs and would be happy to second the recommendation due to the service they provide.

Proposed by Councillor Corry
Seconded by Councillor Molloy and

Resolved That it be recommended to Council to grant approval for the Health, Leisure & Wellbeing Service Level Agreements for the period 2024/25 financial year only.

D043/24 Request for Support

The Assistant Director of Health, Leisure & Wellbeing (AD: HL&W) presented previously circulated report to provide information on a recent request for support for a project bid to a funder from the Clanrye Group.

Councillor Gildernew said that she would be happy to support the recommendation as the social prescribing project is a fabulous project and would be great to see it rolled out.

Proposed by Councillor Gildernew
Seconded by Councillor Wilson and

Resolved That it be recommended to Council to grant approval to supporting the Clanrye Group by way of issuing a letter of support for their project for submission as part of an application to Peace Plus.

D044/24 Health and Safety Executive for Northern Ireland (HSENI) Data Sharing Agreement with Mid Ulster District Council

The Assistant Director of Health, Leisure & Wellbeing (AD: HL&W) presented previously circulated report asking Members to consider a Data Sharing Agreement between the Health and Safety Executive for Northern Ireland (HSENI) and Mid Ulster District Council.

Proposed by Councillor W Buchanan
Seconded by Councillor Wilson and

Resolved That it be recommended to Council to approve the Data Sharing Agreement between Health and Safety Executive for Northern Ireland (HSENI) and Mid Ulster District Council as enclosed within the appendix.

D045/24 Mobile Vendor Opportunities

The Assistant Director of Health, Leisure & Wellbeing (AD: HL&W) presented previously circulated report to seek Member's views on a proposed approach to make available specific Council managed open spaces & recreation sites for mobile vendors.

The following Council managed open spaces & recreation sites have been carefully considered in line with being significant customer footfall venues and ensuring there would be little or no potential for a conflict of interest for services that may already be in situ:

- Iniscarn Forest
- Mid Ulster Sports Arena - Cookstown
- Pomeroy Forest
- Round lake Fivemiletown

Councillor Molloy referred to item 2.2 Dungannon Park and advised that there was no offering at this location, although there was one previously which had elapsed and felt that this would be an ideal opportunity for someone to take this up due to the footfall as it was an ideal location.

Councillor Wilson referred to Mid Ulster Sports Arena (MUSA) and said that this would be one that he would wonder about as it may be busy during the evening but not as busy during the daytime. The member advised that in the past Council went to tender for various sites and one of the people who tendered which could have been awarded, was overturned by Council. The member enquired if the tender went out again, could that same situation arise.

The AD: HL&W in response to Councillor Molloy's query advised that Council currently does have a separate live procurement process at the moment, with Dungannon Park being included within that along with Cookstown Leisure Centre and Greenvale Leisure Centre. He advised that primarily why they were grouped together was because they have existing facilities onsite by way of kitchen facilities and hope to be in a position to evaluate that and bring back recommendations next month or the following month. The arrangements specifically for Dungannon Park would be whoever the successful incumbent would be to run the café, they would be able to provide the vending opportunities for the Park also and hope to have feedback on this situation in due course.

The AD: HL&W in response to Councillor Wilson's query regarding MUSA and advised that this was one of the sites out of them all which had received the most representation in terms of prospective companies and bidders and would also agree that it would be up to their own discretion when to be there. Council would not be putting any stipulations on trading times as it would be up to them to decide, but there would be key times during the week there is obvious footfall with it being outside the town.

The AD: HL&W said that in terms of sites, these have been carefully selected and members may be aware of various discussions in the Chamber in the past years around the variety of sites and members comments has been carefully reflected and the subsequent audit report which was considered also. Sites has been carefully selected and believe that these do not have any conflict of interest or incumbence within the immediate facility that could be displaced. It is important that visitors are accommodated when they are out and about on their walks and the companies also. The AD: HL&W wished to give reassurance that any of those previous discussions and members thoughts around the lists which were circulated a few years ago have been reflected upon and carefully considered.

Councillor Molloy said that it was good to hear Dungannon Park being considered, in the modern era of trading, mobile catering cart offering is probably the best we are going to get in Dungannon Park. Having someone there as a presence during opening hours or working hours is less likely and come and go where places are busy, for example the Parkrun on a Saturday morning and may be an option to determine peak times.

The AD: HL&W said that it was hoped with this opportunity if Council were successful in appointing a vendor that whilst they would have a base inside the building, they would be able to extend their services outside the building also. The AD: HL&W advised that this can be kept under review, but would not want within such a small location, conflict between competing businesses.

Proposed by Councillor Clarke
Seconded by Councillor Molloy and

Resolved That it be recommended to Council to grant approval for officers to commence the tendering process for making available the sites listed above for the purpose of mobile vendors and thereafter present the outcome of the tendering process to a future Development Committee for Members consideration.

D046/24 Mid Ulster Sports Arena – Capital Development

The Assistant Director of Health, Leisure & Wellbeing (AD: HL&W) presented previously circulated report to provide members with an update on the European Commission's ruling on 25th September 2023, in relation to the long-term control and management of the use of microplastics and to seek Members approval for the new MUSA pitch to be developed based on current internationally recognised standards to include modern containment methods.

Proposed by Councillor Wilson
Seconded by Councillor Clarke and

Resolved That it be recommended to Council to agree that the new MUSA pitch be developed based on current internationally recognised standards to include modern containment methods. These developments will be subject to continued planning consultations and guidance as part of planning approval processes.

D047/24 Economic Development Report – OBFD

The Assistant Director of Economic Development, Tourism and Strategic Programmes (AD: EDT&SP) presented previously circulated report to provide Members with an update on key activities as detailed below:

- Town Centre Business Spruce Up Scheme
- ATCM Membership
- NABMA Membership
- Lough Neagh Rescue - Service Level Agreement (2024/2025)
- Labour Market Partnership (LMPs): Multiply Funding Programme Bid
- Sperrins Partnership Funding (October 2023 – March 2024)

Councillor Wilson said that he was happy to propose the report but wished to raise an issue regarding Town Centre Spruce Up Scheme. He advised that there were two premises at Oldtown Street, namely the hairdresser and Stanley Best Estate Agents that do not fall into this category. In referring to the map, the line instead of going straight across to their premises, goes at an angle down the laneway. The member advised that these were not our maps but the Department's and a map in which Council never used.

The Chair said that it was his understanding that this issue was raised at a previous meeting from other towns indicating something similar. He referred to comment from AD: EDT&SP advising of the possible opportunity of meeting representatives from DfC updating them on what the situation is.

Councillor Molloy sought clarification on whether sitting on LMP barred him from making a proposal and if not, he would be happy to second the report.

The AD: EDT&SP clarified to members that the maps which DfC requested Council to use for the Spruce Up Scheme originated from the various Area Plans which had been developed many years ago. She added that Officers had consistently lobbied DfC to extend the 'eligible town boundary' area to the 30 mph speed limits at the edge of the four towns, but after several meetings with DfC officials, they refused to allow any changes to the scheme boundaries.

Proposed by Councillor Wilson

Seconded by Councillor Molloy and

Resolved That it be recommended to Council to –

- 1) Town Business Spruce Up Scheme
Approve that Council's Chief Executive be granted delegated authority to approve and issue Letters of Offers to successful applicants from the Town Business Spruce Up Scheme to meet Department for Communities funding timelines.
- 2) Association of Town Centre Management - Membership Renewal
Approve Council renew its annual ATCM membership (January 2024 – January 2025) at a cost of £620 (excluding Vat).
- 3) National Association of British Market Authorities – Memberships
Approve Council to become a member of the National Association of British Market Authorities (NABMA) for the financial year 2024/2025 at a cost of £768 (excluding Vat).
- 4) Lough Neagh Rescue – Service Level Agreement (2024-2025)
 - i) **Note** Lough Neagh Rescue's 2023/24 Progress Report outlining actions completed against their SLA Targets.
 - ii) **Approve** Mid Ulster District Council's Service Level Agreement with Lough Neagh Rescue for the year 2024/2025
 - iii) **Approve** the release of £12,000 to Lough Neagh Rescue from Council's Tourism budget (2024/2025) subject to Council being provided with the requisite documentation as detailed in the Service Level Agreement.
- 5) Mid Ulster Labour Market Partnership (LMPs): NI Multiply Programme Bid
 - 5.1 Subject to the Department for Levelling Up, Housing and Communities (DLUHC) formally confirming the successful bid;
 - (i) **Approve** Council's participation in the NI Multiply Programme.
 - (ii) **Approve** Mid Ulster Labour Market Partnership (LMP) as the delivery vehicle for the Multiply Programme in Mid Ulster.
 - (iii) **Approve** that delegated authority be granted to the Chief Executive to;
 - a) Sign and return the letter of offer from the Department for the Economy when it is received. It is expected that the letter of offer will provide funding in the region of up to £235K to cover the period 1 April 2024 to 31 March 2025. The types of initiatives/activity that Council are expected to deliver are included in Appendix 6. A copy of the letter of offer and programme of activity will be submitted to the Committee when available.

- b) Procure suitable organisations to deliver the agreed programme of activity in adherence with Council policy and procedures to enable the Multiply Programme to commence as swiftly as possible.
- 6) Sperrins Partnership Funding (October 2023 – March 2024)
Approve financial contribution of £2,500 to Sperrins Partnership, for the period 1 October 2023 until 31 March 2024.

Matters for Information

D048/24 Minutes of Development Committee held on 15 February 2024

Members noted Minutes of Development Committee held on 15 February 2024.

Councillor W Buchanan referred to D025/24 and advised that he was raising the issue on behalf of Councillor McLean. He enquired if access to 50m pool in Magherafelt had increased any as there has been various complaints made about half of the pool being closed off.

The AD: HL&W said that Officers were aware of the situation and share frustrations with members of public. He advised as it was a 50m pool, resources were needed to staff it and when it is a 25m pool it needs less staff. Leisure has been experiencing unprecedented staff shortages and currently running a recruitment campaign seeking 24 full-time and part-time vacancies which are out for public advertisement and due to close imminently. He said whilst Officers were hopeful, they also recognise that it may not provide an answer to all of the solutions due to working within a challenging budget situation. Council is trying to work within a balancing programme in only opening the 50m pool on certain days, mornings and evenings of the week and whilst recruitment may yield a massive pressure for opening it more, Officers are aware that it cannot be opened during the current climate 7 days per week. The AD: HL&M hoped that a balanced blend for clubs and individuals who use the pool can be reached successfully in the future.

D049/24 Corporate Events 2024

Members noted contents of previously circulated update which provided information on the proposed Mid Ulster District Council Corporate Events Programme for April 2024 – March 2025.

Councillor Gildernew advised members that she wished to raise an issue on behalf of Councillor McLernon in her absence in relation to Coalisland Summer Bash. The member advised that Councillor McLernon had been speaking to the Chief Executive and Council Officers in relation to seeing the Coalisland Summer Bash rolled out again this year and hopefully to coincide with Newell Stores 10k in Coalisland at the end of May. This event has been a proven event over the past 3 years and there is now an expectation that this is an annual community event due to its success over the last 3 years. The people of Coalisland have embraced this annual event and look forward to it each year. Coalisland is the 4th largest town in Mid Ulster and Councillor McLernon

would like Council Officers go back and look at it again and see if funding can be found for it.

Councillor Quinn said that he would be happy to support Councillor McLernon's proposal in her absence. The member said that this was discussed at Coalisland Town Forum with himself, Councillors McLernon and Carney being very eager to get this event reinstated along with other events like the continental market as it was a massive success during the years it was run. Coalisland is a very lively town and when Newell Stores put on their 10k run, it was an event like no other, with music being put on, there is no other atmosphere in the town like it with enjoyment for both young and old was fabulous and also to showcase the public realm. There has been a lot of disappointment when it was cut back, it was just not the same and were used to Coalisland having the International Music Festival for 10 years which was fabulous, and this was the sort of atmosphere that the Summer Bash was bringing back. The member hoped that there is something that Officers can look at to bring this back as it was his understanding that costs were not extortionate.

The Strategic Director of Communities & Place (SD: C&P) advised that Officers recognised that Coalisland Summer Bash was a really successful and well supported programme. As already alluded to there was a decision taken as part of the 2023/24 rate setting process to remove Coalisland Summer Bash from the Annual Events Programme, therefore there is no longer resources available within our budgets. The SD: C&P said that however, if there was a direction from committee to go away and look at this, then this can be accommodated and would be looked at in the context of potential wider directorate underspend in year and an update would be provided to committee. The SD: C&P advised that if there was a view that this is to be a sustained position within the Events Programme, that this would need to be picked up politically and considered and agreed as part of the rate setting process for 2025/26 going forward.

Proposed by Councillor Gildernew
Seconded by Councillor Quinn and

Resolved That it be recommended to Council the Officers investigate funding opportunities available to reinstate Coalisland Summer Bash event for this year.

D050/24 Environmental Health Service Update

Members noted contents of previously circulated update on the work of Mid Ulster District Council's Environmental Health Service during the period 9th December 2023 to 16th February 2024.

Councillor Gildernew referred to previous meetings with Environmental Health Officers and staff, there had been an agreement to put in static testing in the Killeeshil and Cabragh area in the vicinity of the Northway Plant. The member advised that the last time she spoke to Environment Health Service Manager, Officers were still deciding on what compounds to test for and enquired if this has been agreed or the testing commenced yet.

The Strategic Director of Communities & Place (SD: C&P) advised that there has been a number of investigations ongoing within the Environmental Health team and his understanding was that Officers had concluded on what they are going to test through the static monitoring. He advised that a monitor has been sourced and procurement exercise about to be completed if not already done so. The SD: C&P advised that once this has been completed, a timeline would be agreed on the installation on the monitoring period, which should be imminent.

D051/24 Mid Ulster District Council Air Quality Report 2023

Members noted contents of previously circulated update on the Draft Air Quality Monitoring report 2023 for the Mid Ulster District Council area and of the ongoing monitoring currently being undertaken in relation to this.

Councillor Molloy said that again we were faced with the two same sites that are over the limits which were recognised and quite high. He advised that there have been a number of ongoing meetings with statutory bodies which has been welcomed to try and elevate the issue. The member advised that as we progress, it would be important to keep these meetings going, keep on the agenda and live to try and get a long-term solution. He referred to the recent food festival in Moy and said that the new layout kept the flow of traffic moving and worked reasonably well.

D052/24 2023/2024 Tobacco Control Test Purchasing Activity

Members noted contents of previously circulated report on the Tobacco Control Officer's test purchase activity during 2023/2024.

D053/24 Economic Development Report - OBFI

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

- ICBAN – Peace Plus - DS3 Smart Towns and Villages (Investment Area 2.4)
- Cookstown Town Centre Forum Minutes – AGM Minutes 15.09.21 & Meeting Minutes 18.5.22
- Coalisland Town Centre Forum Minutes - 09.10.23
- Digital Transformation Flexible Fund (DTFF) – Call 1

Councillor Quinn referred to Coalisland Town Centre Forum Minutes in October 2023 and advised that there was a recent one in February 2024 and enquired why they were not circulated tonight.

The Assistant Director of Economic Development, Tourism and Strategic Programmes (AD: EDT&SP) stated that there was another meeting of Coalisland Town Centre Forum in February 2024, however, Forum Minutes are not brought to the Development Committee until they are ratified by Forum Members. She stated this will happen at the next Forum meeting, and then the minutes can be brought to the Development Committee thereafter.

The live broadcast ended at 8.31 pm.

Local Government (NI) Act 2014 – Confidential Business

Proposed by Councillor Gildernew
Seconded by Councillor Molloy 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 D054/24 to D060/60.

Matters for Decision

- D054/24 SHHP Bellaghy Bawn Writers Residency Project
- D055/24 Public Right of Way
- D056/24 Tender for Play Park Facilities
- D057/24 Mid Ulster Labour Market Partnership – Draft 3 Year Strategy and Action Plan 2024-2025
- D058/24 Collaboration Agreement with Belfast City Council for Go Succeed (NI Enterprise Support Service)

Matters for Information

- D059/24 Confidential Minutes of Development Committee held on 15 February 2024
- D060/24 Mid Ulster's Employ-led Disability Inclusion Programme Evaluation

D061/24 Duration of Meeting

The meeting commenced at 7pm and concluded at 8.55 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, [Cookstown/Dungannon/Magherafelt].

I specifically welcome the public watching us through the Live Broadcast. The Live Broadcast as aforesaid, 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.

I would 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 agenda.



**Presentation to Mid Ulster
District Council
Development Committee**

14 March 2024

1

History of Benburb Priory Estate 1

- early Christian period, religious settlement
- early 1600s, Sir Richard Wingfield (later Viscount Powerscourt) granted 9,200 acres of land including Benburb and surrounding area
- 1611, Wingfield built a castle/bawn at Benburb (Benburb Castle) on the site of the original Shane O'Neill castle, and built St Patrick's Church (1618)
- 1646, Battle of Benburb. Owen Roe O'Neill's army defeated the army of Col. Robert Monro
- 1877 James Bruce (distiller) bought the estate, remodelled the village, and built the manor house (1887)
- 1917, Bruce died, estate (reduced to around 100 acres as a result *inter alia* of the land acts) passed to his brother. It fell into progressive disuse under successive owners.
- 1940, estate requisitioned by the War Office as a WW2 military hospital for UK, US and Belgian troops

2

History of Benburb Priory Estate 2

- 1947, estate purchased by Clonfeacle parish and later sold to the Servite Order (Chicago branch)
- 1949, Benburb Servite Priory established as a seminary for training of friars
- Late 1950s/early 1960s, close to 100 friars and trainees based at Benburb
- 1970s onwards, progressive diminution in friar numbers paralleled by increasing role of the Priory as a cross-community centre
- 2000, amalgamation of Servites in Ireland and Great Britain into 'Province of the Isles'

3

History of Benburb Priory Estate 3

- Early 2000s, Servite library holdings and archives from across Great Britain and Ireland transferred to Benburb
- 2010, Library & Museum Board established
- 2012, initial tranche of funding from Heritage (Lottery) Fund (HF)
- 2014, major tranche of HF funding to refurbish Stables area, develop Library and Museum and establish coffee shop
- 2017, Library and Museum officially opened by the Roman Catholic and Church of Ireland archbishops of Armagh
- 2020, revised governance and management structures established in order to maintain Priory (Servite) ethos, and its role and sustainability as a major religious, cultural and community centre (recognising the inevitable inability of the Servite Order to maintain a constant physical presence in Benburb).

4

Benburb Priory – A Leading Cultural and Heritage Centre

The Assets

- Beautiful and historic estate
- O’Neill/Wingfield Castle (reopened to the public after years in dormancy)
- the Library and Museum
- the Manor House
- the white bridge spanning the River Blackwater
- the walled garden and its greenhouses dating back to the 19th century
- walkways and laneways
- Fishing and other river activities

The Actual and Potential Offerings

- support for conferences, talks, tours and events
- lecture and meeting facilities, business meetings, residential accommodation
- arts and crafts
- facilities for community groups
- support for local sports groups
- support for local small businesses and tourism

5



6

Benburb Priory Sustainability Physical Requirements

- Refurbishments and replacement builds (including residential) to support events, conferences and activities
- Enhancement of physical estate (improved walkways, signage, interpretative boards etc.)
- Childrens play area
- Roadways (castle), parking

7

Benburb Priory Sustainability Human Resource Requirements

- Management
- Accounts/book-keeping
- Events organisation
- Library & Museum support
- Cleaning and Maintenance
- Continued support from committed volunteers (a major strength of the Priory)

8

Benburb Priory Sustainability External Support Requirements

- Local Community
- Local Councils (MUDC [and ABC])
- Religious and spiritual groups
- Community Groups and Priory Users
- Culture and Heritage Groups (e.g. O'Neill Country Historical Society, universities, specialist groups etc.)
- External funders (Heritage Fund, Peace Plus, government departments, local councils, charitable foundations, donors etc.)

9

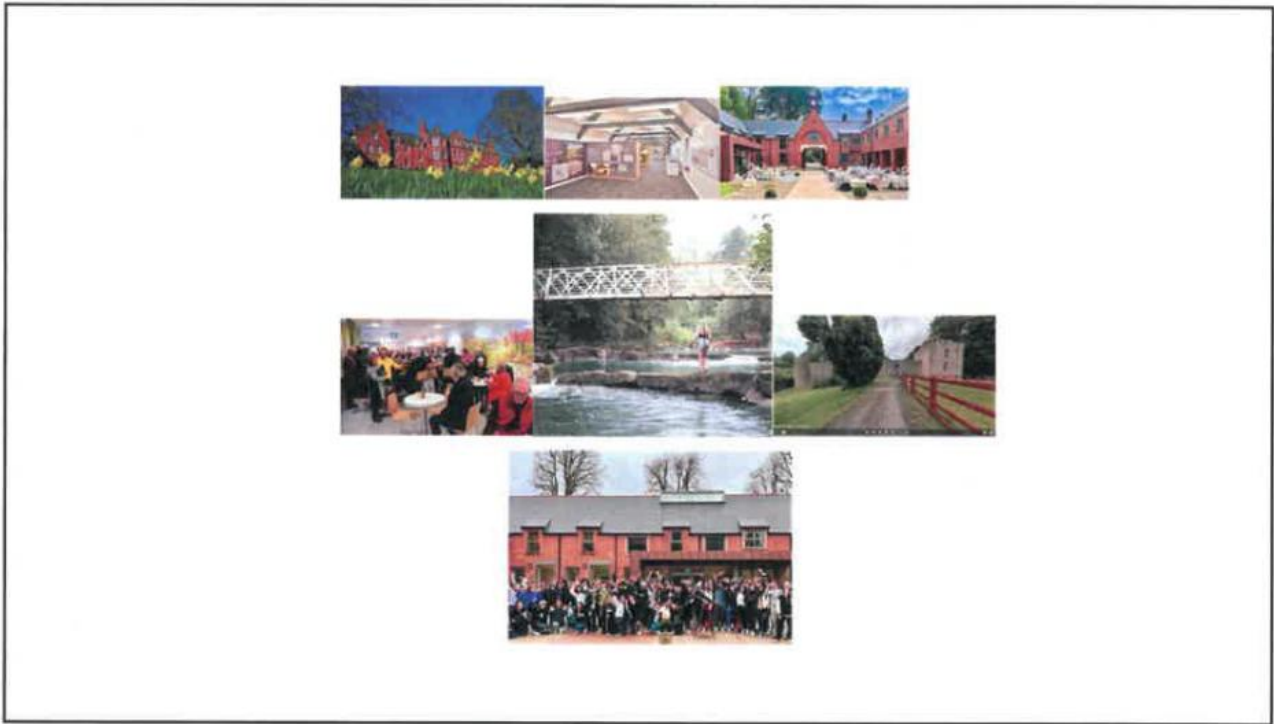


Vision

'An oasis of spiritual, cultural and social development and a model of community cooperation for the benefit of all'

Benburb Priory is a thriving and vibrant centre but needs the continued and active support of all key organisations and individuals in promoting a sustainable future for the benefit of the local and wider community

10



11

Report on	Conferences, Seminars & Training
Date of Meeting	28 March 2024
Reporting Officer	Joseph McGuckin, Head of Strategic Services & Engagement
Contact Officer	Eileen Forde, Committee & Member Services Manager

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 training opportunities 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
NI Environment Forum Conference	18 th April 24	Belfast	cost £245 + vat Travel	

Northern Ireland Environment Forum



Thursday 18th April 2024
Europa Hotel, Belfast

An agendaNi event

agendaNi

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**Agriculture, Environment
and Rural Affairs**
www.daera-ni.gov.uk

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Northern Ireland Environment Forum

The Northern Ireland Environment Forum, organised by agendaNi, is Northern Ireland's major conference on environmental policy and management.

The Forum provides an important opportunity for all the key players in the environment sector to come together for a day of discussion and networking. Alongside visiting experts, the Northern Ireland Environment Forum will be addressed by the key people in Northern Ireland's environmental policy landscape.

Northern Ireland's first Climate Action Plan is currently being developed which will cover the period 2023 to 2027. This is part of the draft Green Growth Strategy, which is a long-term vision balancing climate, environment, and the economy. The Climate Action Plan will set out how we intend to achieve the carbon budget for this period and the overall emissions reduction targets as stated in the Climate Change Act (Northern Ireland) 2022.

The biodiversity crisis continues to worsen, an urgent need to protect and restore nature in Northern Ireland and globally. The total number of species on the priority list was 594 at the end of January 2023. Progress is also being made to transition our economy into one that is circular and sustainable.

With challenges facing the environment both locally and globally, the Forum will be of interest to attendees representing all the main sectors with an interest in Northern Ireland's environment at this pivotal time for the sector.



Sponsorship and exhibition opportunities

There are only a small number of opportunities remaining to get involved with the Northern Ireland Environment Forum as a sponsor or exhibitor. Sponsorship underlines leadership status and helps profile an organisation's activities and expertise within the sector. It is also often a springboard into the networking and informal strategic discussions from which major business opportunities arise. In exchange for sponsorship support the sponsor will receive an attractive package of benefits designed to maximise their organisation's profile in front of this senior audience and leave a lasting impression upon the key decision-makers in attendance.

Contact **Fiona McCarthy** on 028 9261 9933 or email fiona.mccarthy@agendani.com for further information on how to feature your organisation at the conference.

Key themes for the Northern Ireland Environment Forum 2024

- ✓ Policy priorities for Northern Ireland's environment;
- ✓ Meeting the challenge of climate change: Adaptation and mitigation;
- ✓ Biodiversity for business;
- ✓ Air quality and other strategic issues;
- ✓ Creating a circular economy;
- ✓ ESG and sustainability;
- ✓ Water quality and waste water treatment;
- ✓ The relationship between public health and the environment;
- ✓ Environment and planning.



Conference programme

08.30 Conference registration and morning coffee

09.00 Chairman's welcome and introduction: **Louise Cullen**, Agriculture and Environment Correspondent, **BBC News NI**

09.05 CONFERENCE PLENARY

Tackling climate change

Tracey Teague, Deputy Secretary, Climate Change, Science and Innovation Group (CCSIG)
Department of Agriculture, Environment and Rural Affairs (DAERA)

Protecting the environment for future generations

Dame Glenys Stacey, Chair, **The Office for Environmental Protection (The OEP)**

Trends in environmental law and challenges

Faye Phillips, Senior Associate, **Carson McDowell**

The role of public sector leadership in tackling the nature and climate emergencies

Sarah Jennings, Director of Communications, Customer and Commercial, **Cyfoeth Naturiol Cymru / Natural Resources Wales**

Business for biodiversity: Driving the transition to a nature positive economy

Lucy Gaffney, Platform Development Lead, **Business for Biodiversity Ireland**

Question & answer session / Panel discussion

11.00 Coffee break and exhibition viewing

11.30 CONFERENCE PLENARY

Implementing the circular economy

David Greenfield, Vice President - External Affairs, **Circular Economy Institute** and
Visiting Professor of Circular Economy, **University of Brighton**

Air quality in Northern Ireland

Neil Rowland, Senior Research Fellow, **Queen's University Belfast** and
UKRI Regional Clean Air Champion for Northern Ireland

Responding to climate change: Mitigation and adaption

Jane McCullough, Manager, **Climate NI**

Water quality and environmental impact

Dymphna Gallagher, Head of Drinking Water Regulation, **NI Water** and
Angela Halpenny, Head of Environmental Regulation, **NI Water**

Question & answer session / Panel discussion

13.00 Networking lunch

14.00 AFTERNOON SESSION

Land use for a sustainable future

John Woods, Director for Northern Ireland, **Food, Farming and Countryside Commission**

Rivers Trust: Engaging communities

Mark Horton, All Ireland Director, **Rivers Trust**

Speaker tbc

Question & answer session / Panel discussion

15.15 Afternoon coffee break

15.45 AFTERNOON SESSION: PANEL DISCUSSION

The Northern Ireland environment: Challenges and future outlook



Dave Foster, Natural Environment Policy
Director, **Department of Agriculture,
Environment and Rural Affairs (DAERA)**



Debbie Caldwell, Climate Commissioner
Belfast City Council



Max Bryant, Chief Executive Officer
Northern Ireland Environment Link



Joanne Sherwood, Director
RSPB Northern Ireland

16.45 Conference close



Booking form

I wish to:

- Reserve _____ places at the Northern Ireland Environment Forum
Delegate rate £245 + VAT @ 20% = £294
 Charity delegate rate £145 + VAT @ 20% = £174

Fee includes documentation, lunch and other refreshments served during the conference and is payable in advance. Fee does not include accommodation or travel.

- Receive details of sponsorship & exhibition opportunities at the conference
 Receive information on future agendaNi events and publications

Personal details (please complete in block capitals)

Name (Mr/Mrs/Miss/Ms/Dr): _____

Job title: _____

Organisation: _____

Address: _____ Postcode: _____

Contact telephone: _____

Email: _____

Payment options

- I enclose a cheque for £ _____
Payable to 'bmf Business Services.'

- Please invoice me

- Please debit my Visa / Mastercard

Card number

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Name of card holder _____

Signature _____

Expiry date _____ Security code _____

(Please provide card billing address if different from company address)

Terms and conditions

- Once booked places may not be cancelled and failure to attend requires full payment.
- If you are unable to attend, you can send a substitute participant instead, at no additional charge.
- Conference fees includes entry for one person per ticket.
- Confirmation of registration will be sent to all delegates. If you have not received your acknowledgement within 48 hours of submitting your registration, please contact registration@agendaNi.com
- By agreeing to our terms and conditions this booking creates legally binding obligations for both parties, irrespective of attendance on the day.

You can unsubscribe from receiving information at any time. Please let us know if you wish to unsubscribe by emailing registration@agendani.com or phoning 028 9261 9933.

www.nienvironmentforum.com

Who should attend?

- Environmental policy-makers
- Environmental Managers
- Elected representatives
- Local government
- Environmental consultants and advisors
- Sustainability Managers
- Developers and construction companies
- Waste management companies
- Legal and financial advisors
- Head of ESG
- NGOs/Environmental charities
- Academics
- Regulators
- Planning professionals



Venue details

The conference takes place in the Europa Hotel, Belfast. Further details on location, including directions and public transport options are available at www.nienvironmentforum.com

How to register

-  By telephone
028 9261 9933

Scan the QR code

-  Book online
www.nienvironmentforum.com

-  By email
registration@agendani.com



Acknowledgement of registration

Confirmation of registration will be emailed to all delegates following receipt of registration details. If you have not received your acknowledgement within 48 hours of registering, please contact us at registration@agendani.com to confirm your booking.

Appendix B

Staff Training: Retrospective Approval:-

Details of Conferences	Service/ Directorate	No. Attending	Cost	Date	Location
CIEH Health & Safety Conference	Comms & Place/Env Health	1	£70	19 th March	Online
Records Management in the NI Public Sector	Finance	2	Free	6 & 7 th March	Belfast

Report on	Correspondence to Council
Date of Meeting	Thursday 28 March 2024
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 Department for Infrastructure (DfI)</p> <p>The Chair has received a response from Department for Infrastructure in response to letter regarding footpaths throughout the district. A meeting took place on 11 March 2024. Refer to Appendix A</p>
3.2	<p>Correspondence from Department for Communities (DfC)</p> <p>The Chief Executive has received correspondence from the Department for Communities in relation to Council Remote/Hybrid Meetings. Refer to Appendix B</p>
3.3	<p>Correspondence from Police Service of Northern Ireland (PSNI)</p> <p>The Chief Executive has received correspondence from the PSNI in relation to closure of Police Service Enquiry Offices. Refer to Appendix C</p>
3.4	<p>Correspondence from Southern Health and Social Care Trust (SHSCT)</p> <p>The Chair has received a response from SHSCT in relation to Short Break Provision for Adults with complex needs in Woodlawn House. Refer to Appendix D</p>

3.5	<p>Correspondence from Department for Infrastructure (Dfi)</p> <p>The Chair has received an email from Department for Infrastructure regarding the potential blockage on the Blackwater River downstream of Bonds at the old railway bridge. Refer to Appendix E</p>
3.6	<p>Correspondence from Southern Health Social Care Trust</p> <p>The Chair has received an email from SHSCT in relation to the proposed birthing pool in the midwifery led unit at Craigavon Hospital Site. Refer to Appendix F</p>
3.7	<p>Correspondence from Department for Infrastructure</p> <p>The Chair has received a response from Dfi regarding the resurfacing works within the Dungannon district. Refer to Appendix G</p>
3.8	<p>Correspondence re Centenary - Master Robert's 1924 Grand National</p> <p>The Council has received an email from Fran Murray regarding a proposal to mark the Centenary - Master Robert's 1924 Grand National Win in line with Mid Ulster Connections. Refer to Appendix H</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 Infrastructure Appendix B: Department for Communities Appendix C: Police Service of Northern Ireland Appendix D: Southern Health and Social Care Trust</p>

Appendix E: Department for Infrastructure Appendix F: Southern Health and Social Care Trust Appendix G: Department for Infrastructure Appendix H: Proposal: Centenary - Master Robert's 1924 GN
--



Department for
Infrastructure

An Roinn

Bonneagair

Department for

Infrastructure

www.infrastructure-ni.gov.uk

Councillor Dominic Molloy

Eileen.Forde@midulstercouncil.org

County Hall
Drumragh Avenue
Omagh, County Tyrone
BT79 7AF

Tel: 0300 200 7894
Text Phone: 028 9054 0022
Fax: 028 8225 4009

Your reference:
Our reference: STOF-0044-2024

19th February 2024

Dear Cllr Molloy,

FOOTPATHS THROUGHOUT THE MID ULSTER DISTRICT

Thank you for your correspondence of 31st January 2024 to the Department's Permanent Secretary, Dr Denis McMahon regarding footpaths throughout the Mid Ulster District. As this is an operational matter it has been passed to me in my role as Divisional Roads Manager to respond.

Neil Bratton, Acting Network Maintenance Manager for Western Division, has been in contact with Eileen Forde to organise a meeting with councillors to discuss general footpath maintenance in the Mid Ulster area.

Neil can be contacted at the following email address Neil.Bratton@infrastructure-ni.gov.uk.

I trust this information is useful.

Yours sincerely,

Daniel Healy
Divisional Roads Manager
Western Division

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: 12 March 2024

Dear Chief Executive

Council Remote/Hybrid Meetings

My letter of 1 March 2024 refers.

Minister Lyons is committed to giving councils the flexibility to hold meetings by remote/hybrid means and will be bringing forward regulations, as soon as possible, using the powers in the Local Government (Meetings and Performance) Act (NI) 2021. The Minister considers this to be more appropriate than continuing to use powers under the Coronavirus Act 2020, which was intended as emergency legislation, and will ensure that councils will have powers for remote/hybrid meetings but based upon more regularised legislation.

A draft of the proposed regulations has been sent to the Department's solicitors for scrutiny. In order to keep the gap in legislative provision for remote meetings to a minimum, the Department, in parallel with obtaining legal scrutiny of the draft regulations, is seeking your input. A first draft of the regulations is attached for your information and comment.

The proposed regulations are very similar to the previous regulations, the Local Government (Coronavirus) (Flexibility of District Council Meetings) Regulations (NI) 2020.

The Department had previously carried out a public call for evidence on remote meetings (from December 2021 to February 2022) and the responses indicated



general support for the arrangements made by the 2020 Regulations and for permanent provision on remote meetings being made.

Please examine the draft regulations and respond by 26 March 2024 with any comments you may have.

Yours sincerely

Anthony Carleton
Director
Local Government & Housing Regulation

DRAFT STATUTORY RULES OF NORTHERN
IRELAND

2024 No.

LOCAL GOVERNMENT

**The Local Government (Remote Meetings) Regulations
(Northern Ireland) 2024**

Made - - - - *X Month 2024*

Coming into operation - *X Month 2024*

The Department for Communities^(a) makes these Regulations in exercise of the powers conferred by section 2(1) to (4) of the Local Government (Meetings and Performance) Act (Northern Ireland) 2021^(b).

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Local Government (Remote Meetings) Regulations (Northern Ireland) 2024 and shall come into operation on X Month 2024.

(2) In these Regulations—

“the 2014 Act” means the Local Government Act (Northern Ireland) 2014^(c);

“council” means a district council;

“council meeting” means a meeting of—

- (a) a council;
- (b) an executive of a council (within the meaning of Part 6 of the 2014 Act);
- (c) a joint committee of two or more councils; and
- (d) a committee or sub-committee of anything within subparagraphs (a), (b) or (c).

“remote access” means the ability to attend or participate in a meeting by electronic means, including by telephone conference, video conference, live webcasts, and live interactive streaming; and

“remote attendance” is to be construed in accordance with regulation 2(2) and (3).

(a) Formerly known as the Department for Social Development; *see* the Departments Act (Northern Ireland) 2016 c. 5 (N.I.), Article 8 of and Schedule 5 to the Departments (Transfer of Functions) Order (Northern Ireland) 2016 (S.R. 2016 No. 76) transferred functions to the Department for Communities which were previously exercisable by the Department of the Environment.

(b) 2021 c. 8 (N.I.).

(c) 2014 c. 8 (N.I.).

Remote attendance

2.—(1) A reference in any enactment to a council meeting is not limited to a meeting of persons all of whom, or any of whom, are present in the same place and any reference to a “place” where a meeting is held, or to be held, includes reference to more than one place including electronic, digital or virtual locations such as internet locations, web addresses or conference call telephone numbers.

(2) For the purposes of any such enactment, a member of a council (“a member in remote attendance”) attends the meeting at any time if all of the conditions in paragraph (3) are satisfied.

(3) Those conditions are that the member in remote attendance is able at that time—

- (a) to hear, and where practicable see, and be so heard and, where practicable, be seen by, the other members in attendance;
- (b) to hear, and where practicable see, and be so heard and, where practicable, be seen by, any members of the public in attendance in order to exercise a right to speak at the meeting; and
- (c) to be so heard and, where practicable, be seen by any other members of the public in attendance.

(4) In this regulation, any reference to a member, or a member of the public, attending a meeting or being in attendance includes that person attending by remote access.

(5) The provision made in this regulation applies notwithstanding any prohibition or other restriction contained in the standing orders or any other rules of the council governing the meeting and any such prohibition or restriction has no effect.

(6) A council must make other standing orders governing remote attendance at meetings of that council, which shall—

- (a) specify the basis or process for considering whether (including who is to assess or decide whether) district council meetings should or are to be held remotely;
- (b) govern the arrangements for and conduct of such meetings whenever such meetings are to be held remotely; and
- (c) regulate—
 - (i) the public’s access to such meetings,
 - (ii) the availability to the public of documents pertaining to such meetings,

whenever such meetings are to be held remotely.

3. In section 28(7) (overview and scrutiny committees: supplementary provision) and paragraph 9 of Schedule 5 to the 2014 Act, a reference to a person attending before a meeting includes that person attending by remote access.

4. Schedule 5 to the 2014 Act (meetings and proceedings) applies as follows—

- (a) any reference to being “present” at a meeting includes being present through remote attendance;
- (b) any reference to a “place” where a meeting is held, or is to be held, includes reference to more than one place including electronic, digital or virtual locations such as internet locations, web addresses or conference call telephone numbers; and
- (c) in paragraph 5(1)(a) after “the offices of the council” insert “and on the council’s website”.

Decision-making

5. In sections 39 (simple majority) and 40 (qualified majority) of the 2014 Act references to “members present and voting on the decision” includes a member being present through remote attendance.

Sealed with the Official Seal of the Department for Communities on X Month 202x.

(L.S.)

Anthony Carleton
A senior officer of the Department for Communities

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made under section 2(1) to (4) of the Local Government (Meetings and Performance) Act (Northern Ireland) 2021. These Regulations make provision regarding the running of district council meetings by making amendments to the Local Government Act (Northern Ireland) 2014.

Regulation 1 sets out preliminary matters and defines terms used in these Regulations.

Regulations 2, 3 and 4 make provision for remote attendance at council meetings by members of the council. They also require a council to make standing orders regarding the decision to hold a meeting remotely, the conducting of the meeting and access by the public.

Regulation 5 amends the governance provisions of councils to ensure that “members present and voting on the decision” includes members in remote attendance.



Police Service of Northern Ireland

Mid Ulster District
Magherafelt PSNI Station
45-49 Meeting Street
Magherafelt
BT45 6BW

Email: Michael.O'Loan@psni.police.uk
Tel: 028 90 650222

7 March 2024

Dear Mr McCreesh

CLOSURE OF POLICE SERVICE ENQUIRY OFFICES

You will be aware of the profoundly challenging budgetary situation facing the Police Service. Since he took up post, the Chief Constable has been clear about his concerns that this is affecting our ability to keep people safe.

The welcome return of the Northern Ireland Assembly has brought the allocation of additional in year funding and positive news about funding allocation for public sector pay awards but the reality is that the strategic outlook for policing remains stark. The Police budget remains insufficient and is not sustainable.

The Chief Constable has today told the Policing Board that as a consequence of the current financial and resource pressures we are facing, it has been necessary to review services and costs and to make savings in order to deliver a sustainable and effective organisation. One such service that has been subject to review is the provision of our Police Station Enquiry Offices.

As a result of an extensive review which included analysis of the volume and type of demand in enquiry offices, the decision has been taken to reduce the number of operational Enquiry Offices from 28 to 17.

Although final decisions have not been taken, it is highly likely that station(s) in this District will be affected. I am not currently in a position to make public the stations that will be affected but I will write to you again as soon as I am able to provide further detail. We are mindful of the personal impact on the staff who work tirelessly in our enquiry offices and the principle reason for the delay is to allow our contractor a reasonable amount of time to inform those staff who will be directly affected.



Police Service of Northern Ireland

It is not clear when these Enquiry Offices will close to the Public but it will likely be within three months. Transparency around this issue is crucial and the Chief Constable has been clear that further reductions in Enquiry Office provision or opening hours cannot be ruled out.

This is not a decision we have taken lightly and we are conscious there may be an actual and/or perceived loss of accessibility, visibility and ability to respond to the needs of the community. However this change will save the Police Service over £400K per year; these savings are necessary to deliver a sustainable and effective organisation.

I want to be clear that these stations are not closing. Officers and staff will continue to work from them serving the community and there will be no impact on station security. Our analysis shows that even with the reduced arrangement over 90% of households in Northern Ireland are within 15 miles of a station Enquiry Office. The average household is 10.7 miles from their nearest office (an increase of 4 miles) or 18.5 minutes by car (an increase of 1.5 minutes).

It is not our intention to cause alarm but the need for clarity and transparency on this issue is paramount. We want to be clear with you and the public about the challenges we are facing and the type of Service you can expect to see in the coming years.

Should you wish to discuss this announcement and any concerns you have please do not hesitate to get in touch with Chief Inspector Beverlie Reid or me.

I also want to be clear that the Policing team here in Mid-Ulster will continue to serve this community with professionalism. We remain committed to protecting the public in Northern Ireland to the very best of our ability.

Michael O'Loan

Michael O'Loan
District Commander



20th February 2024

Our Ref: 18148

Private & Confidential

Councillor Dominic Molloy
Mid Ulster Council
Dungannon Office
Circular Road
Dungannon
BT71 6DT

Dear Councilor Molloy,

I refer to your letter to the Trust on 31st July 2023 in respect of issues raised at the Mid-Ulster council meeting in regards to Short Break Provision for Adults with complex needs in Woodlawn House not being a 7-day week service. Thank you for taking the time to highlight the issues and for providing me with the opportunity to address them. I apologise for the significant delay in issuing this response.

The concerns raised in the letter referred to Woodlawn House main building and pods. The 'pod' as referenced in the letter is known as Hillview. Hillview is a self-contained single bedded unit situated on the grounds of Woodlawn House. Hillview is managed and staffed by the core team in Woodlawn House. Hillview is a unit which provides bed based short breaks for individuals with behaviours that challenge and whom require a low stimulus environment.

Woodlawn House Short Break service operates seven days per week. Between April 2019 and March 2020; Hillview provided 132 overnight short breaks and Woodlawn House provided 1,750 overnight short breaks. From April 2023 – March 2024, Hillview had been allocated to provide 121 overnight short breaks and Woodlawn House allocated to provide 2,116 overnight short breaks. Regretfully, due to high demand on this service, there has been a reduction in the nights available to all service users. There was also disruption to short break services at Woodlawn House from 18th December 2023 to early January 2024 due to service pressures and unexpected staffing shortages.

Short breaks are offered continually throughout the year over a 7-day per week pattern in several other care home providers across the Trust area. The Trust continues to try and develop and grow the learning disability short break service, recognizing the necessity for meeting the needs of carers. Existing short break services are stretched with the increased demand for short breaks to support carers. All service users who use Woodlawn House and Hillview did or will have received an equitable allocation of short break nights during the period of April 2023 – March 2024. The Adult Placement Short Break Team contact all carers biannually for preferred short break dates in order to plan allocations as far as is practicable. During the allocation process, the nights requested and availability of the service is kept under review and we endeavor to offer additional nights equitably should the opportunity arise.

I hope that you will find this response has addressed the issues that you raised. However, if you are unhappy with any aspect of this response you should contact the Clinical and Social Care Governance Office on (028) 3756 0812 or email MHD.ServiceUserFeedback@southerntrust.hscni.net within 1 month of the date on this letter so that we can attempt to resolve any outstanding issues.

Yours sincerely



Jan McGall
Director of Mental Health & Disability Services
for Dr Maria O’Kane, Chief Executive

From: Farmer, Declan <Declan.Farmer@infrastructure-ni.gov.uk>
Sent: Thursday, March 14, 2024 10:53 AM
To: Councillor D Molloy <Dominic.Molloy@midulstercouncil.org>
Cc: Dfl Rivers Armagh <Rivers.Armagh@infrastructure-ni.gov.uk>
Subject: IN1-24-5337 River Blockage on Blackwater River

Our Ref: IN1-24-5337

Cllr Molloy,

RE: BLOCKAGE AT OLD RAILWAY BRIDGE ON BLACKWATER RIVER

Further to your email received in this office on the 4th March 2024 in which you reported a potential blockage on the Blackwater River downstream of Bonds Bridge at the old railway bridge. From a drainage aspect my comments are as follows:

The Blackwater River was inspected by boat on the morning of 13th March, and I can confirm that the debris at the old railway bridge support columns has been removed. The Department understands that this has been carried out by members of the public. From the drainage aspect Dfl Rivers can confirm that there is no drainage impediment at this location and no action is required by Dfl Rivers.

It should be noted that Dfl Rivers has not remit to keep watercourses open for navigational purposes nor to aid others in this endeavour. Dfl River remit is as defined by the Drainage (Northern Ireland) Order 1973.

Should you require any further information or clarification please contact me at the address below and quote the above reference number.

Regards

Declan Farmer B.Eng (Hons) M.Phil MIEI
Dfl Rivers – Operations Directorate
Armagh Area Office
44 Seagoe Industrial Estate
Craigavon
BT63 5QE



From: [chiefexecutiveoffice](#)
To: [Eileen Forde](#)
Cc: [chiefexecutiveoffice](#)
Subject: RE: Correspondence from Mid Ulster District Council - CAH Birthing pool
Date: 19 March 2024 15:03:11
Attachments: [image012.png](#)
[C038.24 CAH Birthing Pool.pdf](#)
[Response 16924.pdf](#)

Dear Ms Forde

Thank you for this query. We would like to clarify that there is a birthing pool in the delivery suite in Craigavon hospital that women can use.

Unfortunately, the works indicated in the previous response have not yet been commenced and remain outstanding at this time. The plans for the installation of the birthing pool have been more complicated than first envisaged and therefore the costs associated with these works have therefore also increased significantly which have impacted on the timeframe predicted.

We would like to assure you that the installation of a birthing pool in the midwifery led unit is considered an important aspect of midwifery led care and will remain within the planned works for the division moving forward. However, the timeframe for this at this present time is not yet confirmed.

Kind regards



Lorraine McGivern
Office Manager
The Office of the Chair and Chief Executive
Trust Head Quarters
Craigavon Area Hospital
68 Lurgan Rd
Craigavon
BT63 5QQ

Tel: 028 375 60143



Councillor Dominic Molloy

Eileen.Forde@midulstercouncil.org

County Hall
Drumragh Avenue
Omagh, County Tyrone
BT79 7AF

Tel: 0300 200 7894
Text Phone: 028 9054 0022
Fax: 028 8225 4009

Your reference: C029/24
Our reference: 167542-24

20th March 2024

Dear Dominic,

RESURFACING WORKS WITHIN THE DUNGANNON DISTRICT

Thank you for your correspondence of 29th February 2024 regarding resurfacing works within the Dungannon district.

I appreciate that the recent resurfacing works around Dungannon may have resulted in increased traffic congestion. I would like to assure you that resurfacing schemes are carefully planned by local DfI Roads staff and, as part of that planning process, a Traffic Management meeting will take place with relevant DfI Roads staff, PSNI and the contractor to identify the safest traffic management layout that causes the least disruption possible.

If deemed appropriate, works can be carried out 'off-peak', avoiding the busy morning and evening periods when traffic flows are greater. Night works are also considered where appropriate but issues regarding noise pollution means that this is not always feasible within an urban setting. The Department also strive to complete works which we know will be particularly difficult during the summer months when traffic flows are traditionally lower. Unfortunately, due to the way we are funded we often rely on 'in-year' funding to deliver many of our schemes. The consequence of this means that in order to spend the additional budget, works often must start at short notice.

Statutory utilities have a legal right to install their apparatus within the adopted road network. Following on from resurfacing works the Department can only prevent utility companies from excavating within the site boundary for 12 months. After this period

has expired, we are powerless to stop the works being undertaken. Even within the 12-month period, if the excavation is for an emergency repair or a new connection the utility has the legal right to carry out the works.

I trust you will appreciate that works of this nature, no matter how well planned, invariably will have an impact on road users and we would apologise for any inconvenience caused, but I can assure you that the needs of the general public and local businesses are considered at every stage and inconvenience kept to an absolute minimum.

I hope you find this information useful.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'D Healy', with a stylized flourish at the end.

Daniel Healy
Divisional Roads Manager
Western Division

From: [S](#)
To:
Subject: FW: Proclamation/Social Media Post Proposal: Centenary - Master Robert's 1924 GN Win/Mid-Ulster Connection
Date: 14 March 2024 09:07:37
Attachments: [Master Robert with Bob Trudgill, Lord Airlie and Aubrey Hastings M \(1\).png](#)

Hello!

I would like to propose, for your consideration, that March 28, 2024 be proclaimed 'MASTER ROBERT DAY' in Magherafelt and Dungannon (Moy), if not the whole of the Mid-Ulster District! I further propose that the proclamations be awarded to Bryson's (Magherafelt) and Tomney's (The Moy) for their historical relationship to Master Robert, for permanent display.

I am contacting you with the hope that you might consider recognizing the centenary of Master Robert's March 28, 1924 Grand National victory on March 28 (the actual centenary date), or on or about April 13 (the date of this year's Grand National). The Grand National is the most important steeplechase in the world, since 1839. I believe this horse's local story, with Mid-Ulster roots, reinforces the event's great tradition, and should be remembered and celebrated for years to come by the people of Mid-Ulster. A proclamation on the centenary of its Grand National victory will elevate its important history for Magherafelt, Moy, and indeed - Mid-Ulster!

Master Robert was bred by Robert McKinlay in Castlefinn, Donegal, and subsequently spent time in Magherafelt (Derry) and Moy (Tyrone), before being sent to England. The horse trained at The Curragh in its early years. Pat Murray, and his wife Sarah, owned what is now Bryson's in the early twentieth century. Besides being a publican, Pat was a horseman who kept horses at his property and jumped locally as an avocation. Master Robert was pulling Pat's grocer's delivery cart. Pat and his keen eye saw potential, bought the horse from his grocer. Later, the horse spent time with horse dealer Joseph Lavery in the Moy! Of course, The Moy Square was the most significant horse dealing location in the north for a century, and Master Robert no doubt spent time in the former stables in Tomney's.

Master Robert's achievement is the consummate Grand National story - occurring when horse racing reigned supreme in the sporting world - featuring an unlikely winner (with an unlikely winning jockey) and a high-profile field of horses, jockeys, trainers and owners. It was very likely the highest-attended single-day sporting event in the world in 1924 (250,000 estimate, including King George V), and, according to British Pathe', a world-record 45 cameramen filmed the event (representing a milestone in the evolution of live event filming). Master Robert's was a record fourth (and final) Grand National victory for his trainer, Aubrey Hastings (third, if you exclude his War National win). His owner, Scotland's Lord Airlie, was close to the Royal Family, and later served as Lord Chamberlain.

I submit that Master Robert's development in Mid-Ulster, which eventually led to winning the biggest race in the world, is important history which deserves to be celebrated and preserved!

I have particular interest and knowledge with respect to Master Robert and his journey, and the 1924 Grand National, as I have recently completed a novel manuscript about the horse and its journey based on extensive research. My initial interest in Master Robert emanated from learning of my great granduncle's ownership (Pat Murray) of the horse in Ireland, a chapter in his journey to a National Hunt career. As it turns out, Master Robert's victory is an exceptionally interesting Grand National story given, among other things, the places and time period during which his journey took place, challenges along the way which made his Grand National participation and victory improbable, and his connections.

Perhaps my book will raise additional interest in Mid-Ulster, and provide yet another reason for visitation to your wonderful area!

I have taken the liberty of sharing with you further information on Master Robert and my background below. I would ask that I be credited as your source, should you use the information which is the result of my extensive research. Would appreciate it if you would provide readers the website address www.masterrobert.horse which they can explore for further information, and to keep in touch.

Feel free to reach out to me in due course if you have interest. Of course, Peter and Niall Bryson, and Barry McNeice, are also aware of their connection to Master Robert and the important history it represents..

With appreciation and best regards,
Francis X. Murray
New York, NY
I

Book Project Website: www.masterrobert.horse

Background

1924 England

“Traditionally known as ‘the sport of kings’ – and famously patronized by the House of Windsor, horse racing was also the people’s sport and that long before football acquired the appellation ... Horseracing has a powerful claim to be Britain’s leading interwar sport ... It was racing, not cricket or soccer, which really sold newspapers across Britain.”

Horseracing and the British 1919-39, Mike Huggins, 2003

“The Grand National is the world’s most sporting race.”

Time Magazine, April 7, 1924

In the early twentieth century, horse racing was Britain and the world's most popular spectator sport, and The Grand National its jewel.

Irish-Bred Master Robert Was A Longshot Winner Of 1924 Grand National

100 years ago this month (March 28), eleven-year-old Donegal-bred thoroughbred Master Robert, a 25/1 longshot, won The Grand National - "the world's greatest race" (*British Pathe*) - at Aintree Racecourse outside Liverpool, with Robert Trudgill up. Master Robert was a longshot because he battled lameness in the weeks leading up to The Grand National, and faced the past three winners of the event: Sergeant Murphy - 1923; Music Hall - 1922, and; Shaun Spadah - 1921), as well as 'the hottest favorite on record' Conjuror II (5/2) whose race ended the first time over Becher's Brook. Several of the most famous jockeys of the day had mounts, including: Jack Anthony (Music Hall); Fred Rees (Shaun Spadah); Joe Hogan Jr. (Sergeant Murphy) and Harry Brown (Conjuror II).

Trainer Was Era's Most Accomplished

Master Robert's March 28, 1924 longshot victory (25/1) marked a record fourth Grand National victory for legendary trainer Aubrey Hastings (1906 Ascetic's Silver; 1915 Ally Sloper; 1917 Ballymacad (*run on the wartime Gatwick course when the race was dubbed the War National), whose Barcelona Stables in Wroughton was the center of Britain's horse training activity in the early twentieth century and predecessor to today's Kingsclere.

Interestingly, Aubrey Hastings was the maternal great-grandfather of England-based high profile trainer Andrew Balding and his sister, presenter Claire Balding.

Co-Owners Were High-Profile / Royal Connections

The co-owners of Master Robert upon his Grand National victory were Scottish Peer Lord Airlie (Colonel David Lyulph Gore Wolseley Ogilvy, the 12th and 7th Earl of Airlie), and Major Sidney Green (son of John William Green, owner of the now-defunct Phoenix Brewery in Luton).

Lord Airlie's two family seats, Cortachy Castle and Airlie Castle in Angus, Scotland, are ten miles up the road from Glamis Castle, ancestral seat to the Earls of Strathmore. Lady Elizabeth Bowes-Lyon, daughter of the 14th Earl of Strathmore, grew up at Glamis and was a childhood friend of Lord Airlie. In 1923, she would marry Prince Albert, Duke of York (later King George VI), and would become Queen Consort in 1936 upon the abdication of Prince Albert's brother, Edward VIII. Lord Airlie served as Lord Chamberlain to his former neighbor and childhood friend between 1937-1965 (and his successor, the recently deceased 13th Earl, would serve his childhood friend, the late Queen Elizabeth, in the same capacity 1984-1997). Clementine Churchill (Winston's wife), was first cousin to the 12th Earl of Airlie.

Jockey Was Unattached Journeyman; Injured The Day Before

Master Robert's regular jockey refused the ride, because of Master Robert's lameness. No fashionable rider would take the ride. Bob Trudgill was a journeyman jockey, unattached to a stable, who was never in position to turn down

a ride. The day before The Grand National, in a race at Aintree, Trudgill was thrown from his mount, Charlie Wise, and injured. Despite doctor's orders not to ride, Trudgill would not be denied his opportunity. *"No other jockey but Trudgill would have won on Master Robert. It might also be said that Trudgill would not have been given the opportunity of winning on any other. For horse and jockey, it was time and place and partner all together."* (The Grand National, Con O'Leary, 1945) Bob Trudgill's Master Robert-winning saddle is currently on display at Aintree for all to see.

Photos And Video

They say a picture is worth a thousand words. Attached please find a wonderful photo from my collection of Master Robert entering the winner's circle after his unexpected victory, with Bob Trudgill up, being led by Lord Airlie, with Aubrey Hastings to the right smiling. This is an actual photograph from a 1924-era scrapbook I own, for which no photographer is identified. If you would like to publish/display this photo, I would request credit as follows: "From the collection of Francis X. Murray. Used with permission. For more information, please visit www.masterrobert.horse".

I've also provided photos of cigarette cards for both Master Robert (issued by John Player in 1933) and Robert Trudgill (issued by John Player & Sons 1925). I believe the cigarette cards are in the public domain as such were made available in 1925 and 1933, respectively. Given no attribution of the artists, it appears these entered the public domain in 1983 - 50 years after creation and publication.

A British Pathe' silent film of the race can be found online here: <https://bit.ly/1924GrandNational>

- "world-record 45 cameramen" filmed race
- King George V in attendance

Upcoming Book

"Rarely has the romance of a horse taken hold on the general public so much as in the case of Master Robert..."

Weekly Dispatch, March 30, 1924

The author of that 1924 Weekly Dispatch quote couldn't have known the whole story, which, it turns out, is far more romantic and inspiring than was known at the time.

I have recently completed a narrative nonfiction novel manuscript about Master Robert's journey to his ultimate victory, which I will be presenting shortly to literary agents for consideration. Why a book about another Grand National winner? Master Robert's National Hunt career and ultimate Grand National participation and performance was particularly improbable and inspiring, and took place during a notably interesting period in history.

I believe Master Robert's story may serve as a defining Grand National tale, beginning with breeder Robert McKinlay in Donegal, Ulster Province at the outset of the Irish Home Rule debate (1912), continuing there and in Kildare (The

Curragh) through World War I (1914-1918) and proceeding to The Curragh (again) and through Ulster after the start of and during the War of Independence (1919-1921), and subsequently, into Gatsbyesque England at the height of the British Empire, when The Grand National was the most significant single day sporting event in the world. The life, times and decisions of eight owners, Master Robert's own personality and physical condition, and Aubrey Hastings' and Bob Trudgill's influence were all factors during a twelve year dramatic odyssey culminating with earning the Grand National Blue Riband.

I look forward to sharing the fuller story upon book launch.

A website for the project is established: www.masterrobert.horse

My Background

I am a resident of New York City and native Philadelphian of Irish Catholic heritage, with ancestral roots in counties Derry, Tyrone and Tipperary.

Until ten years ago, I possessed an insignificant knowledge of my Irish heritage. On my first trip to Ireland in 2013, through a series of serendipitous events, I met a third cousin of mine, previously unknown to me, during a visit to County Derry. After spending a pleasant few days with my newly-discovered relative - learning much about my paternal County Derry heritage - he asked me on my way out of his door: "Do you know the story of Master Robert?" My cousin told me that Master Robert won the 1924 Grand National, which I knew to be the world's most significant steeplechase competition. He explained to me that his uncle, Patrick Murray (my great granduncle) owned the horse for a time before he won, and that he kept the horse at the local pub he owned which still exists. He told me I should stop by on my way out of town. Wow, I thought; That's pretty cool. So I did indeed visit Paddy Murray's old pub (now named Bryson's in Magherafelt, Derry) on my way out of town. [The History | Bryson's Magherafelt \(brysonsmagherafelt.com\)](http://brysonsmagherafelt.com)

Arriving at the pub, I quickly found hanging on the wall inside was a 1999 Mid Ulster Mail newspaper article about Pat Murray's ownership of Master Robert, the source of the story being Pat's son, Joe (another third cousin of mine of which I had been unaware) who recounted the tale when he came 'home' on a visit from Canada – the country to which Murray and his family emigrated in 1929.

I returned to Manhattan much richer from my visit, never imagining I would have been so fortunate to meet a third cousin, see my great grandfather's childhood home, and hear this cool story about Master Robert. I was curious to learn more about this 'horse story', my interest resonating due to having grown up around the 'thoroughbred racing' game. I began casual research on the subject, which continued into deeper research including meeting descendants of the several of those involved (including the grandson of the breeder; the son of an owner after the breeder but before the National Hunt; the grandson of jockey Bob Trudgill, and the 13th Earl of Airlie (the son of the 12th Earl who won with the horse), whereby I developed substantial information which portrayed a compelling historical story inspiring me to write a book.