

Minutes of Meeting of Mid Ulster District Council held on Thursday 24 November 2022 in the Council Offices, Circular Road, Dungannon and by virtual means

Chair	Councillor Corry
Members Present	Councillors Ashton, Black, Brown, Buchanan, Burton, Clarke*, Colvin, Cuddy, Cuthbertson, Doris*, Elattar*, Forde*, Glasgow, Graham, Kearney, Mallaghan, N McAleer*, McFlynn, B McGuigan, S McGuigan, McKinney, McLean*, McNamee*, D McPeake*, S McPeake*, Milne*, Molloy*, Monteith, Mullen*, Oneill*, Robinson, Totten* and Wilson*
Officers in Attendance	Mr McCreesh, Chief Executive Ms Campbell, Strategic Director of Environment** Mr Black, Strategic Director of Communities and Place (SD: C&P) Ms Canavan, Strategic Director of Organisational Development Strategy and Performance (SD:ODSP)** Mr McGuckin, Head of Strategic Services and Engagement (HoSS&E) Mr Moffett, Assistant Director of Organisational Development, Strategy & Performance (AD:ODSP) Mr Tohill, Strategic Director of Corporate Service and Finance (SD:CSF) Mrs Forde, Member Support Officer

* Denotes Members present in remote attendance

** Denotes Officers present by remote means

The meeting commenced at 7 pm.

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

C223/22 Notice of Recording

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

C224/22 Apologies

Councillors Gildernew, Kerr, Martin, S McAleer* and Quinn

C225/22 Declarations of Interest

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

C226/22 Chair's Business

The Chair, Councillor Corry stated that it was hard to believe the countdown to Christmas was on when it has been only a matter of weeks since the start of November and the final Halloween celebrations of the year. She said it had been wonderful to see residents sharing the fun and fireworks across the district which set the scene for seasonal events to commence.

The Chair highlighted that as well as working hard to deliver these events, staff involved in the planning and those based in The Bridewell, Magherafelt and OM Dark Sky Park and Observatory have been working to create a more autism friendly environment for their customers. As a result, these facilities and services have this month received the Autism NI Autism Impact Award. The Chair commended staff and said as a result Council staff are now much better equipped to understand visitors to the Centre's or those attending event's, and those who have sensory or other requirements that need to be considered. The training has also helped in the design of Council services and events in order to ensure that they are as safe, welcoming and inclusive as possible.

The Chair, Councillor Corry shared that she had been pleased to host Mid Ulster Disability Forum's AGM at Ballyronan, a site which has benefited from the co-design approach with the Forum. She spoke of the valuable feedback and direction in relation to the redevelopment of the site, which has ensured that pan-disability approach has been taken throughout.

The Chair reflected on the two civic receptions which took place in November, where local teams and individuals were recognised for their achievements in fields as diverse as sport, broadcasting, business and the arts. We really do have amazing talent throughout the district. She also highlighted that a total of over 370 businesses attended events as part of Enterprise Week, returning this year from Monday 14 to Friday 18 November. During the week, 13 events for local businesses, both online and in person, took place under the theme - Adapt, Evolve, Overcome. Businesses used words like 'motivational', 'inspirational', 'fantastic', 'insightful' and 'thought-provoking' in their feedback about the week which showed the programme really did have a positive impact. All in all, it was an excellent week which shows that Mid Ulster's enterprising spirit is very much alive and well even during the most challenging of times.

Speaking of that enterprising spirit the Chair said that Christmas is by far one of the busiest times of the year for town centres and independent traders, and this year especially when businesses and households are under ever increasing financial pressures, Council want to make shopping easy, accessible and affordable for those who are supporting our local economy, shops and traders. She welcomed the return of the 10p parking promotion that will assist with this. The added time means shoppers can fully explore what local town centres have to offer with no pressure.

The Chair, Councillor Corry reminded members that the forthcoming weekend would see the return of Christmas light switch-on in the five main towns of Cookstown, Dungannon, Magherafelt, Maghera and Coalisland after an enforced break of two years. She said that residents report that civic events help family and friends to come together and share in this most special of seasons, and she too would enjoy participating in these events (with the help of Santa of course) and encouraged everyone to see what's on offer on Council's web site to get into the festive spirit!

The Chair, Councillor Corry drew attention to letter received from Department for Infrastructure, Western Division DfI Western Division regarding the A5 Western Transport Corridor (A5WTC) Consultation. The Chair proposed that Council respond to the consultation.

Councillor Mallaghan spoke of a meeting with the Department for Infrastructure and emphasized that everyone in support of the A5 Western Transport Corridor should respond as objectors were particularly vocal. He suggested that Council communications section should promote the consultation, in order that those who like himself thought the road was important for the district would be encouraged to respond.

The Chair, Councillor Corry concurred.

- Resolved** That Council
- (i) respond to the DfI Western Division - A5 Western Transport Corridor (A5WTC) Consultation; and
 - (ii) The DfI Western Division - A5 Western Transport Corridor (A5WTC) Consultation be highlighted on Council social media platforms.

Matters for Decision

C227/22 Receive and Consider Minutes of matters transacted in "Open Business" at the Council Meeting held on 27 October 2022

Councillor Wilson drew attention to letters received from Northern Ireland Environment Agency (NIEA) and Department for Infrastructure (Roads) regarding delays in planning consultations. He particularly remarked on the date range of the statistics and highlighted that the planning application that he had referred to at the October meeting was prior to 1 April. Councillor Wilson again stressed the importance of the planning application to the district and stated that the Chief Executive of the NIEA should be invited to a meeting as it is important that he is aware of the implications of the delay.

- Resolved** That Council invite Chief Executive of the Northern Ireland Environment Agency to meet with Council to discuss delays in planning application consultation responses.

Proposed by Councillor Wilson
Seconded by Councillor Brown and

Resolved That the Minutes of the Council held on Thursday 27 October 2022 (C197/22 – C214/22 and C222/22) transacted in Open Business having been printed and circulated were considered and adopted.

C228/22 Receive and Consider Minutes of matters transacted in “Open Business” at the Planning Committee Meeting held on 1 November 2022

Proposed by Councillor Brown
Seconded by Councillor Mallaghan

Resolved That the Minutes of the Planning Committee held on Tuesday 1 November 2022 (P133/22. P138/22 and P143/22) transacted in Open Business having been printed and circulated were considered and adopted.

C229/22 Receive and Consider Minutes of matters transacted in “Open Business” at the Policy & Resources Committee Meeting held on 3 November 2022

Proposed by Councillor S McGuigan
Seconded by Councillor Doris

Resolved That the Minutes of the Policy & Resources Committee held on Thursday 3 November 2022 (PR204/22 – PR213/22 and P225/22) transacted in Open Business having been printed and circulated were considered and adopted.

C230/22 Receive and Consider Minutes of matters transacted in “Open Business” at the Environment Committee Meeting held on 8 November 2022

Proposed by Councillor B McGuigan
Seconded by Councillor Kearney

Resolved That the Minutes of the Environment Committee held on Tuesday 8 November 2022 (E254/22 - E268/22 and E276/22) transacted in Open Business having been printed and circulated were considered and adopted.

C231/22 Receive and Consider Minutes of matters transacted in “Open Business” at the Development Committee Meeting held on 10 November 2022

Councillor Cuthbertson drew attention to D169/22 Chair’s Business – lack of swimming coaches and stated whilst he was aware the SD: C&P had responded to the queries raised he would like an update regarding same. He said that many children had missed out on swimming lessons due to the covid pandemic and resources needed to be in place going forward. In response the SD: C&P said that recruitment was challenging across the sector but some progress had been made

and a casual list had been compiled. He also advised that a further recruitment exercise was in place to specifically target coaching and it was hoped it would be successful. He concluded that Members would be kept up to date with progress.

The SD: C&P referred to D175/22 Social Inclusion - Hardship Support paper considered by committee and requested delegated authority for the Policy and Resources Committee to make the decision on the final paper on 1 December 2022.

Councillor Monteith proposed the request and stated that the matter highlights that Council decision making processes are not fit for purpose. He stressed the importance of getting the funding to those who needed it most.

Proposed by Councillor Monteith
Seconded by Chair, Councillor Corry and

Resolved That approval be granted to provide delegated authority to the Policy and Resources Committee to consider and make the final decision with regard to Social Inclusion - Hardship Funding.

Councillor Ashton drew attention to the request for a list of elected foodbanks detailed in the minute and said she did not recall receiving it.

Resolved That a list of the main foodbank groups in the District be circulated to Members.

Proposed by Councillor Clarke
Seconded by Councillor McNamee

Resolved That the Minutes of the Development Committee held on Thursday 10 November 2022 (D166/22 - D180/22 and D184/22) transacted in Open Business having been printed and circulated, were considered and adopted.

C232/22 Civic Recognition Requests

The AD: ODSP sought approval for the previously circulated report on civic recognition requests from Members, in line with the stated Council Policy, and as detailed within the report at appendix A.

Councillor McFlynn drew attention to the nomination for McNicholl Caravans and stated that she felt the award merited a civic reception.

In response the AD: ODSP said officers would review the nomination and with the agreement of Council if it deserves to be uplifted officers will progress same.

Proposed by Councillor McFlynn
Seconded by Councillor Mallaghan

Resolved That approval be given to submitted requests for civic recognition detailed at appendix A as outlined in the report and McNicholl Caravan nomination be reassessed with a view to elevating to Civic Reception status.

Matters for Information

C233/22 Consultations

Members noted consultations received for attention of Council.

Councillor Mallaghan drew attention to the Education Authority: Draft Interim Language Policies, Public Consultation and requested that officers who specialise in the language prepare Council's response.

Proposed by Councillor McFlynn
Seconded by Councillor B McGuigan and

Resolved That Council respond to Education Authority: Draft Interim Language Policies, Public Consultation: Closing date 27 February 2023

Councillor McKinney drew attention to to DAERA: Consultation on Herd restrictions for Bovine Viral Diarrhoea (BVD) and said whilst he would make a personal response he felt Council too should send a response.

Proposed by Councillor McKinney
Seconded by Councillor Colvin and

Resolved That Council respond to DAERA: Consultation on Herd restrictions for Bovine Viral Diarrhoea (BVD): Closing date 20 December 2022

C234/22 Correspondence

Members noted update on correspondence received for attention of Council.

Councillor Mallaghan drew attention to email received regarding Education Authority contacts for school transport issues. He highlighted the detail was provided through community planning partners and he felt it was still imperative that the Education Authority respond to letters sent by Council following October meeting.

Resolved That Council send a further letter to the Education Authority seeking a response to the concerns expressed regarding the difficulty in speaking directly to officials in the Education Authority in relation to school transport issues; request a list of contact details for District Electoral Areas to include mobile telephone numbers were applicable.

Councillor Colvin concurred and noted the Department of Education's response to the letter. He highlighted that the Education Authority have offices in Ballymena and Armagh both of whom deal with areas in the district. He said unlike health who work collaboratively across areas the Education Authority still worked in 'silos'. He told

how he had emailed both offices and been consistently ignored by both highlighting that this was not acceptable and as elected members correspondence should be responded to and answers should be available. He proposed a meeting with senior officers with responsibility for areas of the district.

The Chair, Councillor Corry seconded the call for a meeting.

Resolved That Council seeks a meeting with the Education Authority to include officials from regional offices whose remit is for areas within the Mid Ulster District.

Councillor N McAleer drew attention to the correspondence from Newry Mourne and Down call on Council to support the notice of motion in relation to the cost of living crisis.

Proposed by Councillor N McAleer
Seconded by Councillor Mallaghan and

Resolved That Council

- (i) supports the motion carried by Newry, Mourne, Down District Council in relation to Cost of Living Crisis; and
- (ii) Council writes to the Prime Minister and Chancellor of the Exchequer supporting the motion.

C235/22 Notice of Motion

Councillor Colvin moved the motion

Statistics shared by our Planning Department demonstrate that Mid Ulster District Council is in the top three in Northern Ireland for development applications received. However, this growth has not been matched by investment by NIW in our district in appropriate sewerage infrastructure resulting in many developments relying on 'temporary treatment plants' which in some cases have been in place for several years. In our modern world we should not be relying on such systems which only 'kick the can down the road' until a sustainable system is installed. This Council calls for NIW to make funding available and install appropriate sewerage infrastructure in our district. Moreover, this Council seeks an urgent meeting with NIW to discuss specifically its sewerage infrastructure plans to speedily address this issue.

Councillor Colvin added a few personal observations from his own district electoral area drawing attention to people living adjacent to treatment plants and having to put up with unpleasant odours. He spoke of a new development in Newmills where a temporary treatment plant was being proposed and again people would have to tolerate unpleasant owners. Councillor Colvin also drew attention to the issue of a NI water pumping station plant and whilst there is no odour it is in a position which is inhibiting the natural expansion of the centre of the village for community and outdoor recreational facilities. He said whilst in the past its situ may have been acceptable this is no longer the case and as a comprehensive review of current

infrastructure it should be removed. Its current location inhibits the organic expansion of the village where people wish to spend time and enjoy community space which is so important to wellbeing and mental health.

Councillor Wilson seconded the motion and said that the current sewerage system is hindering development at the north end of Cookstown. He said that NI Water have agreed to improve the system in 2024 but this is money dependent so it is important that Council lobby NI Water.

Councillor Wilson highlighted that a housing development in Cookstown was under construction, houses sold and then the works halted by NI Water due to sewage issues. He said that people had paid deposits and then were advised of the sewage issues which is totally unacceptable. He said that some of these buyers were spending a second Christmas in alternative accommodation. Councillor Wilson said the latest update indicated that the problems may be sorted in the new year but buyers then received a letter to say the agreed price might not stand. He continued that this is a failure by the developer but NI Water and planning also have a part to play in allowing the development to be passed and works started without a proper sewage system in place. Councillor Wilson concluded that it was important to have everyone around the table to discuss the issues.

Councillor Cuthbertson said that the lack of space and capacity in Waste Water treatment plans in Dungannon and Clogher Valley have been raised repeatedly. He referred to the presentation to Council in March 2022 at which NI Water had said more money was needed and the request was made that Members lobby for same. Councillor Cuthbertson stressed it was a major issue prohibiting development of Dungannon and that DfI infrastructure and NI Water is simply not fit for purpose. He reported that following recent rains sewage had come up a manhole in the Bush which had been lifted by storm waters. He reflected that DfI do not clean gullies regularly and said wider discussions were needed. Councillor Cuthbertson said he was happy to support the motion and sought clarity as to when NI Water would present next to Council.

Councillor McFlynn thanked Councillor Colvin for bringing the motion and stated that planners do a brilliant job approving schemes for contractors to build much needed homes but the current situation could not continue. Continuing Councillor McFlynn said that the sewage system at full capacity was not fit for purpose and was inhibiting development, homes were flooding and the impacts could be seen across the country. She reflected that no Minister was in place and thus people were reliant on senior civil servants. Councillor McFlynn concluded that she was happy to support the motion and emphasised a meeting was needed.

The Chair, Councillor Corry concurred with comments and reflected that NI Water had at their last meeting requested Council put pressure on Executive to endeavour to secure funding.

Councillor Mallaghan said in the past you would have said there was a postcode lottery on the situation but now the impact was felt everywhere. He said the current situation was a barrier to growth in the development of decent homes. He said housing stock could not be increased, homelessness was on the rise and whilst in a

rural community may not feel the same level of impact it would be interesting to establish if the district was receiving a proportionate level of investment. He said the situation had become a merry go round, as Council lobby NI Water, who in turn ask them to lobby for more money.

Councillor Mallaghan posed the question, would NI Water be eligible for levelling up funds and if sewage treatment would meet the criteria. He said money was needed but the level of same was way beyond the NI Executive budget. Councillor Mallaghan stated Sinn Féin supported the motion.

The Chief Executive said he thought NI Water would be eligible for funding as at a recent growth deal briefing it had been confirmed that DfI had made a submission for the Enniskillen bypass and thus NI Water could likewise apply. He said that given the gravity of the situation a single item agenda, with issues pre identified would be more productive. He concluded that a meeting date for January should be the aim.

Councillor Clarke said that supposedly there has been development in sewage systems in the last 20 years and queried how much had been invested. He said that despite investment the infrastructure was years behind what it should be. He concluded that the idea that developers spend money on temporary sewage systems is ridiculous that house purchasers would pay the cost and have to subsidise a temporary system.

Councillor Wilson following on from Councillor Clarke's comments stated 'a lot of money went down the toilet!' He reflected that the good news he spoke of for home owners was based on a temporary sewage system and that house purchasers would ultimately be paying for it. He emphasised that everyone needed to work collaboratively to identify better solutions.

Councillor Burton concurred and spoke of houses partially built in Aughnacloy for which people had put down deposits and two years later told the houses could not be finished. She also highlighted that in Fivemiletown manholes had lifted with storm waters and sewage had flowed into people's gardens. She concurred that all statutory agencies needed to come together to find a way forward.

Councillor B McGuigan speaking on the special interim systems expressed concerns that if some of these short-term solutions should fail, who is responsible for repairs and interim works. He said in many instances the developers would be long gone and the residents would be immediately contacting elected members. He said it was a dangerous route to take and much more thought was required.

Councillor Wilson highlighted that the motion requested an urgent meeting.

Councillor Colvin thanked Members for their support and said the initiative impacts all and that the motion is wide enough to embrace comments regarding special meetings and flooding.

The Chair, Councillor Corry declared the motion carried.

The live broadcast concluded at 7.40 pm

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

Proposed by Councillor Mallaghan
Seconded by Councillor McFlynn

Resolved: That items C234/22 to C241/22 be taken as confidential business.

Matters for Decision

- (i) Council Confidential minutes of meeting held on 27 October 2022
- (ii) Planning Committee confidential minutes of meeting held on 1 November 2022
- (iii) Policy & Resources Committee confidential minutes of meeting held on 3 November 2022
- (iv) Environment Committee confidential minutes of meeting held on 8 November 2022
- (v) Development Committee confidential minutes of meeting held on 10 November 2022
- (vi) 19. Document for Sealing - Greenvale Leisure Centre Improvement Works
- (vii) Document for Sealing - Appointment of an Integrated Consultancy Services associated with Ballysaggart Lough Reservoir Repairs
- (viii) Document for Sealing - Financial Contribution Deed of Supplemental Agreement – Connecting Pomeroy Project

C242/22 Duration of Meeting

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