



16 December 2021

Dear Councillor

You are invited to attend a meeting of the Council to be held in  
The Chamber, Dungannon and by virtual means Council Offices, Circular Road,  
Dungannon, BT71 6DT on Thursday, 16 December 2021 at 19:00 to transact the  
business noted below.

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

Yours faithfully

Adrian McCreesh  
Chief Executive

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## AGENDA

### OPEN BUSINESS

1. Apologies
2. Declarations of Interest
3. Chair's Business
4. Deputation: Northern Health & Social Care Trust and Southern Health & Social Care Trust

### Matters for Decision

- |  |           |
|--|-----------|
| 5. Council minutes of meeting held on 25 November 2021.                      | 3 - 14    |
| 6. Policy and Resources Committee minutes of meeting held on 2 December 2021 | 15 - 24   |
| 7. Environment Committee minutes of meeting held on 6 December 2021          | 25 - 42   |
| 8. Planning Committee minutes of meeting held on 7 December 2021             | 43 - 90   |
| 9. Development Committee minutes of meeting held on 8 December 2021          | 91 - 108  |
| 10. Conference, Seminar, Training Report                                     | 109 - 116 |
| 11. Civic Recognition Requests   | 117 - 126 |
| 12. Standing Orders Amendment  | 127 - 130 |

### Matters for Information

13	Correspondence	131 - 140
14	Consultations	141 - 146

### Notice of Motions

- 15 Councillor Clarke to move  
That this Council acknowledges the unacceptable condition of our road network; notes that the allocations from the Finance Minister allowed for the structural maintenance budget to be £120 million this year; regrets that resurfacing contracts have now been delayed until next year in this Council area due to a legal challenge; is frustrated that badly needed investment for our roads is now delayed until next year and that this area has missed out on a year of proper investment in resurfacing; and calls for badly needed investment to be forthcoming for our roads as a matter of urgency and as soon as possible

**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. Audit Committee minutes of meeting held on 23 November 2021
17. Council Confidential minutes of meeting held on 25 November 2021
18. Policy and Resources Committee Confidential minutes of meeting held on 2 December 2021
19. Environment Committee Confidential minutes of meeting held on 6 December 2021
20. Planning Committee Confidential minutes of meeting held on 7 December 2021
21. Development Committee Confidential minutes of meeting held on 8 December 2021
22. Iniscarn Forest
23. Davagh Mountain Bike Trail Project
24. Coalisland - Towns shared Space / Revitalisation Project
25. Proposal: Dungannon Enterprise Centre
26. Document for Sealing: Release of Council Charge Folio No 20682
27. Document for Sealing: Draft Contract MUDC and Eurofins: Public Analyst Contract

### Matters for Information

**Minutes of Meeting of Mid Ulster District Council held on Thursday 25 November 2021 in the Council Offices, Circular Road, Dungannon and by virtual means**

**Chair** Councillor McLean

**Members Present** Councillors Ashton\*, Black\*, Brown\*, Buchanan, Burton\*, Clarke, Colvin, Corry\*, Cuthbertson\*, Doris\*, Elattar\*, Forde, Gildernew\*, Glasgow\*, Graham\*, Hughes\*, Kearney\*, Kerr, Mallaghan, N McAleer\*, B McGuigan\*, S McGuigan, McKinney, McNamee\*, D McPeake\*, S McPeake\*, Milne\*, Molloy\*, Monteith\*, Mullen, Oneill\*, Quinn\*, Robinson\*, Totten\* and Wilson&

**Officers in Attendance** Mr McCreesh, Chief Executive  
Ms Canavan, Strategic Director of Organisational Development Strategy & Performance (SDODSP)\*\*  
Ms Campbell, Strategic Director of Environment (SDE)\*\*  
Mr Kelso, Director of Public Health & Infrastructure (DPHI)\*\*  
Mr Moffett, Assistant Director of Organisational Development, Strategy & Performance (ADODSP)  
Mr Tohill, Strategic Director of Corporate Service/Finance (SDCSF)  
Ms Ursula Mezza, Head of Marketing & Communications\*\*  
Mrs Forde, Member Support Officer

**Mid Ulster Youth** Matthew McCracken  
Goda Jukueyte

\* Denotes Members present in remote attendance

\*\* Denotes Officers present by remote means

The meeting commenced at 7 pm.

*The Chair, Councillor McLean 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.*

**C225/21 Apologies**

Councillor Bell, Cuddy, McFlynn and Mullen

**C226/21 Declarations of Interest**

## **C227/21      Chair's Business**

The Chair, Councillor McLean invited Councillor Quinn to speak.

Councillor Quinn referred to the recent death of Austin Currie who had been born and raised in Edendork and had formerly served as an SDLP Councillor. He reflected on his role in the 'Caledon Sit In' which had led to the formation of the Civil Rights Movement in which he played a pivotal role. Councillor Quinn spoke of his time as a Minister in both the Dáil and at Stormont and how his contribution to politics had impacted the island of Ireland. In closing Councillor Quinn extended deepest sympathy to the Currie family circle.

The Chair, Councillor McLean spoke of recent events he had attended and highlighted the launch of the first ever Mid Ulster Gift Card and encouraged fellow Members to promote it throughout the district. He shared that over 600 people participated online in Mid Ulster's third Enterprise Week which had included events focusing on economic recovery from the challenges of Covid.

The Chair, highlighted that Council had secured close to £200k funding from the Department for Communities Access & Inclusion Capital Programme to improve arts and culture and leisure facilities, helping to create more equitable and inclusive access to the Council's facilities across Mid Ulster. He also encouraged Members to promote and attend the new outdoor film experience and solar walk at OM Dark Sky Park and Observatory.

The Chair also extended congratulations to the Coulter Family in Cookstown on being recognised as a Winner in the Ulster Heritage Angel Awards 2021 in winning the Best Maintenance of a Historic Building Category regarding their work at Killymoon Castle, Cookstown.

Members noted that the Director of Finance had been granted permission to raise a legal matter in Confidential Business.

## **C228/21      Deputation: Mid Ulster Youth Voice**

The Chair, Councillor McLean welcomed representatives from Mid Ulster Youth Voice to the meeting and invited them to make their presentation.

Matthew and Goda from the group delivered a presentation following which the Chair Councillor McLean commended the young people on the presentation and led a round of applause of appreciation following which he invited questions.

Councillor Buchanan commended the young people on the presentation and asked how the representatives were chosen for Mid Ulster Youth Voice.

In response Matthew advised that the current participants had volunteered for a two year programme and due to Covid they've had to operate online but they were now working towards an elected leadership structure.

Councillor Mallaghan commended the group on how far they had come from their initial event he had attended in the Glenavon Hotel, Cookstown. He highlighted that their strategy should be reconsidered so that MLAs, MPS and Councillors could increase their contact and understanding with young people. He acknowledged Council was the best at present with recycling but that their idea for recycle bins in town centres was a 'no brainer' and highlighting the data regarding UCAS forms said that Council could explore how they could assist with this as at times they do facilitate various issues and perhaps a piece of work could be carried out to signpost young to education partners. Councillor Mallaghan spoke of previous work carried out with local schools and that Council should develop this further. He said he was delighted to receive the update and learn of the progress made in challenging times and wished the group continued success and urged all to keep the links strong.

Councillor Doris said she was impressed with the presentation and the talent and passion displayed by the group. She requested that Members be forwarded a copy of the presentation and she would look forward to a proposal paper being brought to Environment Committee regarding recycle bins in town centres.

Councillor Kerr concurred with previous comments and said that he had attended the event in the Glenavon Hotel, Cookstown and encouraged the youth to keep up the good activism they were displaying.

Councillor Colvin stated that the presentation was highly professional and said he was particularly interested in the marketing section and Instagram being the main mode of communication but asked what was in 2<sup>nd</sup>, 3<sup>rd</sup> and 4<sup>th</sup> place. He said that the presentation had covered a lot of ground and he was delighted to see industry as an option for further education as university was not the only way and there was much opportunity in Mid Ulster.

In response Matthew said he did not have the relevant statistics to hand but Instagram was top and personally speaking Twitter was particularly useful and Facebook may be third on the list.

Councillor Kearney said he had attended the launch, enjoyed the crash course in speed dating and wished the group all the best. He spoke of the many pathways to education and spoke of a recent meeting of the Labour Market partnership. He reflected also on their comments in relation to Irish language and mental health.

The Chair, Councillor McLean thanked Matthew and Goda for the presentation and said that interaction was a two way process and council looked forward to continuing to work with the group in the future.

## **Matters for Decision**

### **C229/21      Receive and Consider Minutes of matters transacted in "Open Business" at the Council Meeting held on Thursday 28 October 2021**

Proposed by Councillor Kerr  
Seconded by Councillor S McGuigan and

**Resolved** That the Minutes of the Council held on Thursday 28 October 2021 (C201 – C216/21 and C224/21) transacted in Open Business having been printed and circulated, were considered and adopted.

**C230/21 Receive and Consider Minutes of matters transacted in “Open Business” at the Special Development Committee Meeting held on 21 October 2021**

Proposed by Councillor Kerr  
Seconded by Councillor Clarke and

**Resolved** That the Minutes of the Special Development Committee held on 21 October 2021 (D190/21 – D197/21) transacted in Open Business having been printed and circulated, were considered and adopted.

**C231/21 Receive and Consider Minutes of matters transacted in “Open Business” at the Planning Committee Meeting held on 2 November 2021**

Proposed by Councillor Black  
Seconded by Councillor Mallaghan and

**Resolved** That the Minutes of the Planning Committee held on 2 November 2021 (P149/21 – P154/21 and P160/21) transacted in Open Business having been printed and circulated, were considered and adopted.

**C232/21 Receive and Consider Minutes of matters transacted in “Open Business” at the Policy and Resources Committee Meeting held on 4 November 2021**

Proposed by Councillor McKinney  
Seconded by Councillor S McGuigan and

**Resolved** That the Minutes of the Policy & Resources Committee held on 4 November 2021 (PR200/21 – PR209/21 and P224/21) transacted in Open Business having been printed and circulated, were considered and adopted.

**C233/21 Receive and Consider Minutes of matters transacted in “Open Business” at the Environment Committee Meeting held on 9 November 2021**

Proposed by Councillor McNamee  
Seconded by Councillor B McGuigan and

**Resolved** That the Minutes of the Environment Committee held on 9 November 2021 (E252/21 – E272/21 and E280/21) transacted in Open Business having been printed and circulated, were considered and adopted.

**C234/21      Receive and Consider Minutes of matters transacted in “Open Business” at the Development Committee Meeting held on 11 November 2021**

Proposed by Councillor Kerr  
Seconded by Councillor Clarke and

**Resolved**      That the Minutes of the Development Committee held on 11 November 2021 (D191/21 – D208/21 and D210/21) transacted in Open Business having been printed and circulated, were considered and adopted.

**C235/21      Conferences, Seminars & Training**

The AD: ODSP sought approval for the previously circulated report on conferences, training and seminars.

Proposed by Councillor S McGuigan  
Seconded by Councillor McKinney and

**Resolved**      That approval be given to submitted requests for conferences, seminars and training as outlined in the appendix to the report.

**C236/21      Civic Recognition Nominations**

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.

Proposed by Councillor Kerr  
Seconded by Councillor Clarke and

**Resolved**      That approval be given to submitted requests for civic recognition as outlined in the report.

**C237/21      Standing Order Amendments**

The Chief Executive presented the previously circulated report to consider an amendment to the Standing Orders on the regulation of meetings in light of Council being made aware of a judgement made following a Judicial Review formally published on 2nd November 2021. The purpose of this report was to bring to member's attention the proposed amendments to be made to the Standing Orders for Council, in line with the judgement.

In line with standing order 30.2 concerning amendments to Standing Orders discussion on this shall stand adjourned until the next ordinary meeting of Council, once proposed and seconded.

Proposed by Councillor S McGuigan  
Seconded by Councillor Forde and

**Resolved** That any discussion on these amendment(s) shall stand adjourned without discussion until the next ordinary meeting of the Council, in line with standing order 30.2 concerning amendments. Thereafter they will be recommended for approval.

## **Matters for Information**

### **C238/21 Correspondence to Council**

Members noted previously circulated report providing correspondence received for the attention of Council.

In response to Councillor Colvin's query the AD: ODS&P clarified that the letter received from NI Assembly Committee for infrastructure had been received immediately prior to the October Council meeting thus Members had previously noted the decision regarding the planning advice note.

Councillor S McPeake referred to the letter received from NILGA highlighting that the Chief Executive of NILGA was stepping down from his role. He spoke highly of Mr Derek McCallan and the enthusiasm he brought to the role especially the strong voice he provided for councils at the time of the review of public administration. He spoke of the good relations he had built and how local government was richer for the role he played. He proposed that Council forward a letter thanking him for his sterling work and wishing him well for his retirement.

Councillor Glasgow seconded the proposal and concurred with previous comments. He said he thought Derek would not know how to retire and spoke of the great assistance he was to Members and how he always had time for a conversation to further understanding. He concluded he had led great work in NILGA and it had been a privilege to work alongside him.

Councillor Kearney acknowledged the time he had served on NILGA and how Derek had very much been the centre of the organisation. He spoke of the great leadership skills he demonstrated and wished him a happy retirement.

Councillor Burton concurred with previous speakers and spoke of the huge loss Derek would be to local government. She said he had been available 24/7 especially in the early days of the pandemic, how he had established the partnership panel and the hard act he would be to follow. She said it was a sad day to lose someone of Derek's calibre and wished him well in the future.

Proposed by Councillor S McPeake  
Seconded by Councillor Glasgow and

**Resolved** Council send a letter to NILGA Chief Executive Mr Derek McCallan acknowledging his forthcoming retirement.

Councillor S McPeake drew attention to correspondence from Department for Communities in relation to the dissolution of the Local Government Staff Commission (LGSC). He said that the winding up of the LGSC as part of local government reform



had not been progressed but now with the size and capability of councils themselves he would propose that the council relay the message that it be wound up as previously agreed.

Councillor Kearney seconded the proposal and said it was now 10 years on from the review and monies could be better utilised.

Proposed by Councillor S McPeake  
Seconded by Councillor Kearney and

**Resolved** That Council send a letter to the Minister for Communities regarding Council's agreement with the dissolution of the Local Government Staff Commission

### **C239/21 Consultations Notified to Mid Ulster District Council**

Members considered previously circulated report on consultations notified to Mid Ulster District Council for comment.

Councillor Kerr reflected on changes to the environment the impacts of fossil fuels and fracking together with heatwaves, floods, unique weather patterns and said it was imperative that Council prepare a response to Department for Agriculture, Environment and Rural Affairs (DEARA): Draft Environment Strategy Consultation.

The Chair, Councillor McLean said the consultation could be referred to Environment Committee.

**Resolved** That the DEARA: Draft Environment Strategy Consultation be referred to Environment Committee for response

### *Declaration of Interest*

*Councillor Burton declared an interest, being a representative of Agewell*

### **C240/21 Notice of Motion**

The Chair, Councillor McLean referred to the notice of motion and the recent announcement of the Minister for Health Robin Swann that £23 million had been allocated to domiciliary care and said that he had received an amendment to the motion by the proposer, Councillor Buchanan to that previously distributed.

A copy of the amendment was distributed to Members and displayed for those attending virtually. The meeting signified its agreement to accept the change to be considered as part of the motion.

Councillor Buchanan speaking on the motion said that due to the reduction of services and its peripheral location much of Mid Ulster has the poorest access to acute hospital and care provision. He said that two thirds of Mid Ulster population of 145,000 are rural and from 2016 to 2026 the population aged 65 plus is projected to

grow by 32% while a growth of 48% is projected for those aged 85 and over. Councillor Buchanan said from submitting the motion a week ago he welcomed the £23 million pounds now being made available to support domiciliary care. He said with announcements of this sort of money it is difficult to measure what impact it would have but it would be hoped it would ease the situation. He highlighted that these essential workers are underpaid and have rightly felt undervalued with poor terms and conditions it is difficult to recruit and retain staff. Councillor Buchanan said that 500 people in the Southern Health & Social Services Trust are either in hospital or in a step down facility waiting on a care package whilst 402 people were currently waiting in hospital in the Northern Trust area. On average 300 beds per day are occupied by people medically fit to be discharged but have no care packages available. He said that last year 45% of visits to homes lasted less than 15 minutes and call out times for care assistants in the homes should be increased.

Councillor Buchanan moved the amended motion as undernoted:

“This Council notes the importance of Domiciliary Care as a vitally important service which supports people in their own home. Following the Minister’s announcement we call on him to ensure that this £23m support package for domiciliary carers is spent across the service for maximum impact on staff pay and length of time for calls to service users. We want to ensure staff feel valued and patients get a timely service.”

Councillor Forde seconded the motion and said that domiciliary care was very important when people needed it and also to free up hospital spaces. She welcomed the £23m and hoped it would contribute to help staff feeling more valued.

Councillor Corry said she was pleased to support the motion and welcomed the announcement of £23m to the sector. She spoke of the consultation by the Northern Trust and stressed that domiciliary care was on its knees and in turn people were blocking hospital beds because care packages could not be secured. Councillor Corry reflected on a meeting she had attended with Emma Sheerin MLA when patients, families and carers had shared their despair, she said it was heart breaking to hear stories of people having to go to care homes because they could not secure a care package. With regard to the direct payment route Councillor Corry shared that her own family experiences had proved it was impossible to get people to cover the need and stated that there was also poor guidance for families embarking on this route. Reflecting on the carers themselves Councillor Corry spoke of the pressure they faced each day running from pillar to post how they had shared that they were rethinking their careers as to continue status quo was not sustainable. In conclusion, the Councillor Corry referred to the 716 families in the Northern Trust area awaiting a care package and thus it was imperative that the promised funding was allocated to pay proper pay rates, proper care provision and that the £500 awarded to workers during the initial days of the pandemic were paid. Councillor Corry applauded care workers and thanked them for their contribution to society.

Councillor Wilson reflected that he had raised the issue last month and said it had been somewhat disappointing earlier in the day when Council had met with the Northern Trust to discuss domiciliary care consultation documents only two political parties had been represented. He welcomed the £23m announcement from the

Minister and it was hoped that this would enable the hourly rate of pay to be increased and care workers to be recognised. He spoke of the fragility of the care system and research which revealed that many companies are handing care packages back as they cannot meet them, which in turn impacted hospital discharges and whilst the £23m would have immediate effect in stabilising the workforce. Councillor Wilson highlighted that a long term solution was needed and that Minister Swann would be launching a consultation regarding adult social care and that consideration should be given to 15 minute call times as they were not acceptable.

The Chair, Councillor McLean said the points were challenging and the money needed to be rolled out to the people who needed it.

Councillor Quinn applauded domiciliary care teams but said it was evident that demand outstripped supply. He welcomed the £23m which would help alleviate the current crisis but stressed that the Minister for Health needed to work with Executive colleagues to find solutions which would bring transformation. He spoke of workforce planning, increased step down facilities but said that whilst he supported the motion the real problem needed to be tackled instead of passed from Executive to Executive. In conclusion Councillor Quinn said society could not do without care workers and it was his hope they would receive their £500 before Christmas.

Councillor Kearney referred to Councillor Wilson's remarks and emphasised that the SDLP had worked and continued to work tirelessly with regard to domiciliary care. He spoke of the numbers of people they had been in contact with regarding cuts to their care packages and that they may not have been at the Council meeting today but it was because they were simultaneously at a meeting with the Director of Community Care at the Northern Health & Social Care Trust.

Councillor Mallaghan said valid points had been raised and spoke of the sense of relief felt by providers that the £23m was being rolled out which meant they could recruit new staff. He thanked officers for their work in preparing for the meeting with the Northern Trust. Councillor Mallaghan spoke of the valuable work carers provide and said the quality and quantity of time would be of tremendous benefit especially in alleviating hospital pressures. He also spoke of the families who were dealing with personal health issues who then also had to deal with other family members where care packages weren't available.

Councillor Doris said she had attended the meeting with the Northern Trust and that the situation was dire. She said everyone was on the same page and wanted the challenges resolved. Councillor Doris said those who work in the care sector deliver a vital role and it is a vocation as many don't even receive basic mileage. In conclusion she commended all who work in the sector.

Councillor Burton concurred with previous speakers and advised that she had learned of some families who had been told that from a particular date their care package would be ceasing. She said this was highly concerning as some were going from 4 calls per day to none. Councillor Burton said that for many carers it was a vocation as they were maybe working in rural areas and in winter months having to get out to shovel grit on the roads to access people's homes. She said she had

zoomed onto the meeting today for a short time but said it was important to keep domiciliary care on the agenda.

Councillor Colvin referred to the amendment Councillor Buchanan had introduced and suggested that the wording be changed to read *‘following the Ministers welcome announcement’*. He said that Minister Swann was a standing star at Stormont for the role he carried out and said that both he and his advisors done a great job.

Councillor Buchanan agreed the change.

The Chair, Councillor McLean said the discussion had been positive and thanked Councillor Buchanan for the amendment based on the announcement earlier in the day. He said that each Member who had contributed to the debate had made a welcome contribution.

The Chair Councillor McLean declared the motion as unopposed carried.

*This Council notes the importance of Domiciliary Care as a vitally important service which supports people in their own home. Following the Minister’s welcome announcement we call on him to ensure that this £23m support package for domiciliary carers is spent across the service for maximum impact on staff pay and length of time for calls to service users. We want to ensure staff feel valued and patients get a timely service.*

Councillor Buchanan said that there were big challenges in health and social care sector and he thanked carers for the role they delivered and Members for supporting the motion.

**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.**

The live broadcast concluded at 8.10 pm

Proposed by Councillor Kerr  
Seconded by Councillor S McGuigan

**Resolved** That items C241/21 to C250/21 be taken as confidential business.

#### **Matters for Decision**

- (i) Council Confidential minutes of meeting held on 28 October 2021
- (ii) Planning Committee confidential minutes of meeting held on 2 November 2021
- (iii) Policy and Resources Committee confidential minutes of meeting held on 4 November 2021
- (iv) Environment Committee confidential minutes of meeting held on 9 November 2021

- (v) Development Committee confidential minutes of meeting held on 11 November 2021
- (vi) Environment Committee confidential minutes of Special meeting held on 16 November 2021
- (vii) Pomeroy Overflow Car Park - Contract
- (viii) Ballyronan Wood – Contract
- (ix) Active Travel – Clonoe/Coalisland & ICT Award Bellaghy/Clogher

#### **Document for Sealing**

- (x) Document for Sealing: Wayleave agreement with the Department for Infrastructure (DfI) Roads, relocation of street lighting column onto Council owned land in Swatragh Play Park.

#### **C251/21 Duration of Meeting**

The meeting was called for 7.00 pm and ended at 8.28 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.

Date \_\_\_\_\_

**Minutes of Meeting of Policy and Resources Committee of Mid Ulster District Council held on Thursday 2 December 2021 in the Council Offices, Ballyronan Road, Magherafelt and by Virtual Means**

**Members Present**

Councillor McKinney, Chair

Councillors Ashton\*, Buchanan, Cuddy, Elattar\*, Forde, Gildernew\*, Kearney, S McAleer\*, S McGuigan\*, Molloy, Totten\*

**Officers in Attendance**

Mr McCreesh, Chief Executive  
Mrs Canavan, Strategic Director of Organisation Development, Strategy and Performance  
Mrs Dyson\*\*, Head of HR  
Mrs Kerr\*, Head of Finance  
Ms Mezza\*\*, Head of Marketing and Communications  
Mr Moffett, Assistant Director of Organisation Development, Strategy and Performance  
Mr O'Hagan, Head of ICT  
Mr Tohill, Strategic Director of Corporate Service and Finance  
Mrs Grogan, Democratic Services Officer

\* Denotes members present in remote attendance

\*\* Denotes Officers present by remote means

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

The meeting commenced at 7.00 pm

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

**PR225/21 Apologies**

Councillors Doris, S McPeake, McLean and Quinn.

**PR226/21 Declarations of Interest**

None.

**PR227/21 Chair's Business**

The Chair advised that there was an additional item to be raised in Confidential Business for Decision.

## **Matters for Decision**

### **PR228/21 Report of Corporate Good Relations Working Group Meeting: November 2021**

The AD: ODSP presented previously circulated report to provide details of the outworking's of the Corporate Good Relations Working Group that was held on Monday 1<sup>st</sup> November 2021.

The Chair said that once again he would be opposing the group and would not be making an apology for doing so. He felt that it wasn't a Good Relations Working Group as it appeared that there were no relations as was seen in the past and wished to have his comments noted.

Proposed by Councillor Molloy  
Seconded by Councillor Kearney and

**Resolved** That it be recommended to Council to approve the report of the Corporate Good Relations Working Group meeting held on Monday 1<sup>st</sup> November 2021.

### **PR229/21 Request to Light Up Buildings**

The AD: ODSP presented previously circulated report which considered requests received to illuminate/light up the Council's three designated properties to raise awareness of and mark;

- National Day of Reflection – Wednesday 23 March 2022

Proposed by Councillor Molloy  
Seconded by Councillor Kearney and

**Resolved** That it be recommended to Council to light up the three designated Council properties on Wednesday 23 March 2022 to mark the National Day of Reflection to support those who've been bereaved during the pandemic and to reflect on the lives of those who have died from Covid or other cause. Buildings to be lit up in colour yellow.

### **PR230/21 Policies for Mid Ulster District Council**

The SD: OD presented previously circulated report and sought approval for the new Menopause Support Policy, Payment of Subscriptions to Professional Bodies Policy and Term Time Working Procedures (as part of the Flexible Working Arrangements Policy) developed for Mid Ulster District Council.

Proposed by Councillor Cuddy  
Seconded by Councillor Forde and

**Resolved** That it be recommended to Council to approve the Menopause Support Policy, Payment of Subscriptions to Professional Bodies Policy and Term



## **PR231/21    Amendment to Council Scheme of Delegation**

The AD: ODSP presented previously circulated report and sought approval on amendments to the Council's Scheme of Delegation for Senior Officers to reflect the new organisational structure, agreed by Council in July 2021.

Councillor Ashton sought clarification on the move from the Council Solicitor to the Strategic Director of Corporate Service and Finance and felt anything referred to the Solicitor was because of legal advice and couldn't understand why there was this change.

The AD: ODSP confirmed that within the Scheme of Delegation the responsibility for initiating legal proceedings sat specifically with the Council's Solicitor but as part of the new structure there wasn't a specific post named as Council Solicitor within the Council's structure. Up until now the Scheme of Delegation reflected the senior structure and the structure of the organisation where specifically it did reference Council Solicitor whereas now it did not make reference.

Councillor Ashton said that she was confused regarding the Council Solicitor illustration no longer being within the structure. She found it hard to understand especially where legal advice was so important within Councils and the Solicitor being the first point of contact.

The SD: CS&F clarified that there would still be a Council Solicitor in place but they just wouldn't have the same degree of autonomy as they previously had within the new structure. He advised that Legal Services previously reported directly to the Chief Executive and now they were reporting to him and confirmed that he would be much more hands on in all legal matters. He stated that the big difference would be that in the original structure when Mid Ulster Council was first established the role of the Solicitor was empowered to initiate legal action, but within the new structure legal issues would be going through him and he would be engaging directly with the Officer who will be in post as the Council Solicitor, which was more of a post of a Solicitor employed by the Council opposed to a Council Solicitor who was delegated and nominated within the Scheme of Delegation. He said that Council would still be engaging with the person employed as the Council's Solicitor on legal matters but he will be becoming more hands on making decisions and deciding where they go as opposed to the Chief Executive working directly with the Solicitor. He confirmed that he would now be in control and management of the entire department and no longer a requirement for a Council Solicitor to be in the same position within the documentation. He advised members that the former individual who held the post of Council Solicitor has now taken on a different role within Council but would still be involved in the management of legal affairs.

Councillor S McGuigan said that he was glad to hear the SD: CS&F explanation and although he was aware and understood it, it was still beneficial to get the wording and the meaning of the role and would be happy to propose the recommendations.

Proposed by Councillor S McGuigan  
Seconded by Councillor Cuddy and

**Resolved** That it be recommended to Council that the Committee -

- i) Authorises the amendments to the Scheme of Delegation for Officers to reflect the new organisational structure.
- ii) Agrees that the Director of Public Health & Infrastructure, or in their absence the Chief Executive, has delegated authority on areas pertaining to environmental health and related matters where required under the Scheme until the new Strategic Director of Communities and Place takes up post.

**PR232/21 Member Services**

No issues.

**Matters for Information**

**PR233/21 Minutes of Policy and Resources Committee held on 4 November 2021**

Members noted Minutes of Policy and Resources Committee held on 4 November 2021.

Councillor Cuddy referred to issue of LPS which he had raised last month and although there had been a meeting and presentation, he felt that it didn't answer any of his concerns. He said that he was keen to know if the LPS process continued right the whole way through to the final conclusion of the project and being involved in the negotiations as his concern related to a previous project at Davagh Forest where LPS wasn't involved and the more enquires he made the more concerned he had got and felt he didn't really get any answers from the meeting with LPS. He also referred to another project which was talked about last month where all the LPS valuations and details were discussed in open business and was dismayed the project he raised over the last year and half was being kept in confidential business and not being open and transparent on how it was started off with a valuation from LPS and then ending up with a valuation of 500% more and this was the reason he requested LPS be invited to talk to members. He noted that LPS had been paid £27,000 in the last number of years and wished to see a transparent process as he was a Councillor representing ratepayers right across Mid Ulster and there was an onus on members to follow the procedures of an organisation that everyone respects. He said that he understood that there was a need for flexibility in negotiations and was aware that things can get out of hand, but there needed to be reasons why there was an increase of 20 to 30% more or less depending on what was being bought, sold or leased and this could portray a public perception that extra money could be got of Council as examples had shown. He felt that anybody with leases could just purposely ignore LPS valuations and ask for what they want as they may feel their land is worth more than the annual lease to the Council each year. He concluded by saying that he was still concerned after meeting with LPS last month as it was no help at all as he couldn't ask any questions and felt that this was something that needed to be tidied up as an organisation.

The SD: CS&F said that he recognised that the discussion was still in open business and that he was disappointed as a Senior Officer being involved in a lot of discussion with both the Committee, Council and individual members that Councillor Cuddy was still unhappy with the information which has been provided. He said that if Councillor Cuddy was unhappy by the level of information communicated by LPS then this was disappointing as he had attended that meeting and felt that it was a very thorough discussion of the issues involved and believed that the LPS staff in attendance categorically and unequivocally answered the questions which he understood to be the primary concern of Councillor Cuddy.

He categorically advised members that he was aware of every financial transaction in relation to the issue Councillor Cuddy was referring to that this Council has engaged in that; he stated that he was confident that these transactions had been conducted completely in line with all relevant legislation; he advised that his understanding of the relevant legislation had been confirmed to him by LPS verbally and subsequently communicated to members by LPS in the presentation to which Councillor Cuddy referred. He said that he also had been extremely transparent with the Northern Ireland Audit Office in various meetings where he had volunteered discussions to ensure that Council was compliant with all relevant legislation. He wished to reassure members of the public and members watching virtually that everything was satisfactory in relation to the matters referred to by Councillor Cuddy and reiterated that he believed that the training which had been provided answered the questions posed by Councillor Cuddy.

He further advised that he would be happy to sit down with Councillor Cuddy or any other member or groups at any time to go over what was discussed at that training and why he believed that the questions Councillor Cuddy was concerned about had been answered; he said that he believed that he could specifically refer to exactly to what the LPS Officer had said that confirmed that the questions had been answered. He concluded by saying that it was disappointing that this was raised by the member in an open forum and he was now speaking to try and preserve the reputation of the Council in the public eye in the event of someone interpreting Councillor Cuddy's comments as indicative that something was happening that was irregular or inappropriate.

Councillor Cuddy said that he had total respect for the SD: CS&F who had always been open and frank through the process. He said that members were told last month that no specific questions were allowed to be asked during the LPS presentation and felt that this was important to raise that. He said that Cahore Playing Fields was raised last month with the LPS process and figures all being shared in open business and felt if this was done for one project that it should be done for another and should be no huge issue. He concluded by saying that policies were needed to be in place and stick to them especially when it related to LPS.

Councillor S McGuigan advised that he was one of the Councillors which attended the LPS presentation and would say that he found it very useful in the sense that sometimes when you attend a meeting like this you may receive relatively limited information but felt that the LPS presentation was delivered in such a way that many of the questions which were going to be asked were delivered in the presentation. He said that within that regard he found the meeting very satisfactory.

## **PR234/21     Review of Hate Crime Legislation – Duty to Remove Hate Expression**

Members noted plans by the Department of Justice (DOJ) to bring forward legislative changes via consolidated Hate Crime legislation.

## **PR235/21     Performance Improvement Six Month Progress Update (Q1 to Q2 – 2021/22)**

Members noted update which provided information on the review of Council's performance against Council's seven statutory and three corporate performance improvement indicators and standards, along with an overview of the Corporate Health Indicators for the first six months of 2021/22. The report also provided a performance progress summary against the Council's four corporate improvement objectives and their associated project plans. The indicators and standards, the 4 improvement projects and corporate health indicators are contained within Council's Two Year Performance Improvement Plan for 2021/22 to 2022/23.

## **PR236/21     Changes to Telephony Network**

Members noted update in relation to the change and implications to changes in the UK telephony infrastructure and withdrawal of copper-based services in 2025.

Councillor Cuddy advised that a lot of members use their own personal devices and mobile phones for individual issues and enquired if ICT could access members' personal equipment and store confidential data.

The Head of ICT said that he wished to reassure members that Council does not have access to their mobile devices and contents but does in certain circumstances allows Officers to remotely wipe and secure mobile devices operated by Council Officers. He advised that Officers may have access potentially to Council email accounts which some members had signed up to. Obviously, the security arrangements and access to emails is highly regulated and monitored within the ICT team and subject to audit but no-one has access to members' emails other than the actual member themselves.

He advised members in extreme circumstances, accounts can be reset to include passwords and provide support to the members for access.

The SD: CS&F advised that the committee had discussed this matter in some length in the past and concurred with what the Head of ICT said as accurate. In a previous meeting it was clarified that the Council was subject to certain legislative provisions in relation to Freedom of Information and at the time it was clarified that, in relation to members who use their own devices, the devices were not directly accessible to Officers in any shape or form because the devices belong to members and not Council. Most staff do not use their own devices for work purposes but occasionally they may have to use their own devices if certain applications were accessible via web browsers; this access was accelerated by the pandemic and the distribution of equipment to staff which needed it for their work while working remotely.

He reassured members that Council could not access members' personal devices but noted that there may still be security issues in relation to information on members'

devices which the Council cannot control or offer any protection for. If Councillors use Council equipment and information is retained on it, then this will be within the scope of the protection that Council will try to provide across all its devices; currently, in so far as practicable, the officers try to ensure that equipment is protected by anti-virus and other controls, such as firewalls and procedures.

Councillor Cuddy stated if someone was in the office and even their phones were off and discuss something i.e. make of cars and within the next few days there was advertisements and this has got people asking the questions about security of mobile phones and he was just trying to identify where the line was within this organisation as most Councillors receive a certain amount of personal information we there was a need to be sure that confidentiality is adhered too.

The SD: CS&F said that he completely understood Councillor Cuddy's concerns but advised that it was impossible for Council to know about and protect against every threat as there were external technologies and forces that may not be known about and therefore cannot be competed against. He advised that the officers couldn't and wouldn't guarantee that all devices, Council or otherwise were absolutely secure.

#### **PR237/21     Miscellaneous Matters**

The Chair, Councillor McKinney said that before coming to the end of open business and the privilege of being in the Chair referred to previous Agenda Item 4 - Report of Corporate Good Relations Working Group Meeting: November 2021 and said that he wished to make a proposal that this Council light up their buildings this Saturday night for the Anniversary of Northern Ireland in the colour blue.

Councillor Cuddy seconded the proposal.

Councillor Molloy stated that this issue was already addressed and would be against the proposal.

Councillor Forde said that she would be in support of the proposal.

The Chair, said that in light of the Good Relations Working Group in which he had not been in attendance, he would like to see some goodwill and put his proposal to the vote:

For	5
Against	7

The proposal was unsuccessful.

The Chair wished both members and the public watching remotely a very Happy Christmas and a very peaceful New Year.

*Live broadcast ended at 7.38 pm.*

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

Proposed by Councillor Molloy  
Seconded by Councillor Cuddy 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 Member consider items PR238/21 to PR245/21.

### **Matters for Decision**

PR238/21 Proposal from Dungannon Enterprise Centre to transfer ownership of part of Drumcoo Playing Fields, Dungannon  
PR239/21 Staffing Matter for Decision  
PR240/21 2022-2023 Rates Estimates  
PR241/21 Treasury Management

### **Matters for Information**

PR242/21 Policy and Resources Confidential minutes of meeting held on 4 November 2021  
PR243/21 Staffing Matters for Information  
PR244/21 Financial Report for the 7 months ended 31 October 2021  
PR245/21 Contracts & DAC

### **PR246/21 Duration of Meeting**

The meeting commenced at 7 pm and concluded at 8.40 pm.

Chair \_\_\_\_\_

Date \_\_\_\_\_

## Annex A – Introductory Remarks from the Chairperson

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

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

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

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

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





**Minutes of Meeting of Environment Committee of Mid Ulster District Council  
held on Monday 6 December 2021 in Council Offices, Ballyronan Road,  
Magherafelt and by virtual means**

<b>Members Present</b>	Councillor Brown  Councillors Buchanan, Burton, Cuthbertson, Glasgow*, Graham*, Kearney, N McAleer*, B McGuigan, S McGuigan*, McNamee, Milne*, O'Neill* Totten*, Wilson*
<b>Officers in Attendance</b>	Mrs Campbell, Strategic Director of Environment Mr Gordon, Assistant Director of Health, Leisure and Wellbeing** Mr Kelso, Director of Public Health and Infrastructure Mr Lowry, Head of Technical Services** Mr McAdoo, Assistant Director of Environmental Services** Mrs McClements, Head of Environmental Health** Mr Scullion, Assistant Director of Property Services** Mr Wilkinson, Head of Building Control** Mrs Forde, Member Support Officer
<b>Others in Attendance:</b>	Councillor McFlynn

<b>Deputation</b>	<b>Department for Infrastructure Roads</b>
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Mr Harry Gallagher Divisional Roads Manager  
Acting  
Mr Johnny Graham  
Ms Lesley Maxwell Maintenance Engineer  
Mr Neill Bratton Maintenance Engineer  
Mr Conall McKee

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

\*\* Denotes Officers present by remote means

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

The meeting commenced at 7.00 pm

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

## **E287/21      Apologies**

Councillor S McAleer

## **E288/21      Declarations of Interest**

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

Councillor Burton declared an interest in Agenda item 23 Update on Agewell Programme.

## **E289/21      Chair's Business**

Councillor Cuthbertson highlighted the issue of Covid vaccine passports and stated there was a lot of talk about them and the NI Executive were to take a vote on Monday 13 December 2021 with regard to them. He said that the pending decision would have a major impact on businesses, licenced premises, bring your own bottle establishments and sports clubs. He said businesses had already been in contact to say they were losing bookings daily and when he had asked the Director of Public Health and Infrastructure who would enforce the decision he had indicated it would be the PSNI yet at the PCSP meeting the PSNI had said they did not know. Councillor Cuthbertson acknowledged that until the Assembly makes the decision and legislation has been shared the way forward was unclear but could assurance be given that Environmental Health team was not responsible, would not be making additional calls or requiring new risk assessments. He proposed that when the decision had been made a meeting should be called with Members to outline the position.

In response the Director of Public Health and Infrastructure said the matter was not a new one and had been an issue for 18+ months throughout the pandemic. He said that there was a memorandum of understanding with the PSNI that they would look after licenced premises whilst Council would look after commercial premises such as cafes, shops, retail outlets. He said the rationale is clear but the point of discussion was the interpretation of the NI Executive regulations which is subject to the guidance issued. He said as always Environment Health aim to issue current guidance and advice to all businesses on their registers, to provide clarity where possible. He concluded the matters were well documented on NI Direct and BBC website.

Councillor Cuthbertson asked would there be site visits at night over the next few weeks or is Council saying that is for the police to do. He also sought clarity as to whether or not premises would have to adjust risk assessments.

In response the Director of Public Health and Infrastructure advised that Council officers continue to undertake visits as necessary as part of routine work and in providing advice and guidance to assist with updating of procedures. He concluded that Council had a good working relationship with businesses and indicated the guidance provided was being well received.

Councillor Burton said as Chair of the Tourism group it would be useful to engage with that section of the market as there has been excellent partnership and

messages currently were persistent. She said she felt for officers dealing with so many businesses and hospitality venues referring to an article on the news were staff had been reduced to tears in restaurants by disgruntled customers. Councillor Burton concluded it was imperative to keep people safe but there was a lot of frustration and Council needed to continue to engage with venues but also support officer teams who were at the cold face.

Councillor McNamee said that he too had been at the meeting when Councillor Cuthbertson had raised the issue of enforcement with the PSNI who claim they are awaiting direction. He asked who was going to be the enforcers, the PSNI, the section itself or who? He concluded that the issue was somewhat chaotic.

The Chair, Councillor Brown said that the points had been well made but Council should not pre-empt events on Monday but revert back when decisions are made.

The Director of Public Health and Infrastructure said that Council must bear in mind that it is at the end of this chain of decision making, it is the NI Executive who regulates the process. He said officers were endeavouring to do their utmost in providing help and guidance to businesses at this difficult time.

Councillor Wilson said it was difficult to know who is going to regulate the situation as from the start of the pandemic until quite recently no one had been prosecuted for not wearing masks. He said he hoped it would not rest with Council who should continue to send out a powerful message that Covid is a killer and people should be taking the jab.

The Chair, Councillor Brown said that the points had been well made and communications would continue to reinforce messages to wear mask, sanitise and do all we can to protect each other.

In response the Director of Public Health and Infrastructure stated that the Communications team had been active on social platforms and providing updates on revised guidance.

Councillor McFlynn highlighted a recent issue at Manor Park, Moneymore where there had been bad flooding and put on record her thanks to the maintenance team for getting gullies and drains cleaned out to alleviate the matter. She emphasised that parks and maintenance teams needed to work hand in hand. Councillor McFlynn also expressed concern regarding dog control especially on Council properties stating that dogs should be kept on leads and this needed to be enforced. She sought guidance with regard to bylaws.

In response the Director of Public Health and Infrastructure stated that legislation required dogs to be 'under control' and it was known that dogs are let off the lead to exercise but must be kept under control.

Councillor Cuthbertson said he had raised the matter with environmental health officers and the legislation is quite clear 'dogs must be under control' and this did not mean on a lead. He said a piece of work was required to get legislation changed.

**D290/21      Deputation: Department for Infrastructure Roads Autumn Report**

The Chair, Councillor Brown welcomed the delegation from the Department for Infrastructure Roads. Mr Gallagher presented the Network Development Draft Programme 2022-2024 and 2021 – 2022 Works Programme Update.

Mr Gallagher drew attention to the 'Planning for the Future of Transport: time for Change' published in June 2021 when the Minister set out ambitions for active travel. Members then received an overview of strategic road schemes, Active Travel initiatives highlighting that this would also be a factor of the A29 Cookstown Bypass route and were advised that the A5 scheme still on track with the public enquiry hopefully reconvening in 2022. Mr Gallagher also thanked Council for its contribution to infrastructure highlighting in particular the scheme at Davagh.

Mr Graham advised that 54 schemes had all been assessed in line with current policies which would include active travel bridge schemes. He referred to the recent District Electoral Area meetings and said that there was a comprehensive programme of schemes and whilst it was beyond the measure of budget and some schemes would not be delivered they would do their best to ensure delivery of as many as possible. He highlighted in particular A6 Glenshane Road, footway extension at Eglish Road, traffic calming at Washingbay Road and works outlined in the local transport and safety measures section of the report. Bridge schemes were also referenced together with £6m allocated to replacement lighting columns. In conclusion he drew attention to a brief update on the sprint report mentioning in particular foot road at Favour Royal Road.

Mr Bratton provided a synopsis of Mid Ulster North area highlighting that it had been a challenging year due to the contract difficulties but it was hoped to have active contracts resuming in February in Magherafelt with Cookstown and Dungannon following closely. He said that other smaller contracts were ongoing and together with DfI operatives' works was continuing for example upgrading of 'cats eyes' he confirmed that the section was on track to have budget spent.

Ms Maxwell provided a synopsis of work in Mid Ulster South and said that works was ongoing with regard to routine maintenance and tree surgery but resurfacing schemes would be carried forward. She said the roads recovery was slightly behind the Mid Ulster North but would continue to the end of the financial year.

The Chair, Councillor Brown thanked the team for the report and invited Members questions reminding them that DEA meetings had taken place.

Councillor Cuthbertson thanked the team for the presentation and congratulated them in their new posts. He drew attention to the draft schemes improvement roads at Bush Road listed as £120k which was a lot less than other aspirations, he said he had lobbied for this for 15 years and urged DfI to deliver it as soon as possible as it was a safety issue.

Councillor Cuthbertson referred to the DEA meetings and said that in relation to active travel it had been highlighted that scheme criteria dictated 6.5 meters would be the ideal. He said this may be fine for some areas such as Augher and Clogher but would rule out a lot of projects Council could bring forward. He asked if there was leeway on this stipulation.

In response Mr Gallagher said that with regard to the project at Bush Road DfI were keen to move it forward but there was still some survey work to be carried out regarding two properties with a party wall. He said that the challenge was to deliver high calibre cycle paths and that 6.5 meters would be the Rolls Royce but some may have to be of minimum standard and would also depend on the realistic use of the pathway.

Councillor Buchanan asked if the budget for resurfacing would be totally utilised or if it would carry forward.

Mr Gallagher responded that government did not permit budget transfer from one year to the next but Western Division had been creative in utilising the budget by completing lesser projects which although still very worthwhile would not have had priority in different circumstances.

The Chair, Councillor Brown referred to the A29 Moneymore to Cookstown resurfacing and asked if a definitive time could be given.

In response Mr Bratton said it was with procurement and he could not give a definitive answer in relation to time.

The Chair, Councillor Brown asked if Ardtree Bridge would be a longer term project. In response Mr Graham advised that it was with procurement to go to tender thus it would not be completed within the current financial year but hopefully maybe in the next one.

Councillor Burton drew attention to the Fivemiletown to Clabby Road and spoke of the issue of the location whereby if two trucks met they had to mount the footpath. She said that Council had upgraded the facility at Roundlake and it was hoped the road could be sorted. She also welcomed the site of the digger at the proposed footpath for Eglis.

Mr Graham said that he had taken measurements at the Fivemiletown to Clabby Road and there was most certainly a pinch point but there was issues with cable posts. He also said that traffic leaving Fivemiletown travelled at a rapid space and it was providing a traffic calming measure. He said any scheme would be expensive but he would be happy to meet the Member on site.

Councillor B McGuigan raised the issue of patrol crossings in towns for visually impaired and asked if they all had audible sounding. He said the matter had been brought to his attention and he did not know the criteria for them for use by all.

Mr Gallagher said that the question was thought provoking and DfI were ever conscious of new requirements and said that sound would be useful that whilst stand-alone patrols had a 'beeping sound' this would not be applicable for multiple crossings.

Councillor B McGuigan said it had only recently been raised with him by someone who had recently lost their sight.

Mr Gallagher said DfI worked with a charity on such issues but it was always good to engage with local people because as you attain more information you can better provide. He asked the Member to provide more definitive detail to the team.

Councillor Glasgow said that good work had been done with regard to the Ardtrea Bridge and the pressure needed to be kept on to bring the scheme to fruition which would alleviate traffic pressure for the village of Coagh. He also said that within active travel there should be due consideration for rural communities as for example on Drum Road there was need for a footpath leading to the bus stop to ensure children are kept safe as they walk to it. He said rural communities depended on their cars but there was scope for schemes. He asked if the budget to Western Division would be cut in the incoming year.

Mr Gallagher said that both Mr Graham and he had come across from Bridges division and that the one over Ballinderry River was on the agenda. He said there was a good point regarding active travel from a rural prospective and that it was not all about spending money in towns there had to be an acceptable level of service for rural dwellers also. He said it was difficult to get balance right and confirmed again that budgets could not be carried forward thus the team would do all in their power to utilise the current budget but schemes would be carried forward.

Councillor Oneill said that he was aware scheme to provide a footpath had been pencilled in for Clonoe Village and stressed the importance of it as residents and children crossed a busy road to go to the football field and the shop.

Mr Graham said that DfI were working on a traffic calming scheme in Clonoe and active travel scheme would also be scheduled.

Councillor Graham drew attention to page 22 of the report A45 Granville Road, Dungannon at Weirs Farm and asked if there was plans to include street lighting as many people walked the road from the various factories. She stated that a wider footpath with lights was needed as many cyclists mounted the footpath because the road was so busy.

In response Mr Gallagher said that the Granville Road scheme is a large one and would not be delivered in the immediate future. He said DfI had moved on now with active travel and it was unlikely to receive an extension to the lighting scheme.

Councillor Graham said the project was listed in 2022-2024 and was it likely to be completed in this time frame.

Mr Gallagher responded that some schemes would be done sooner than others but the programme was oversubscribed.

The Chair, Councillor Brown thanked the team for the report and their responses. He wished them all a Happy Christmas and they departed the meeting at 8.07pm.

## **E289/21      Chair's Business (continued)**

The Chair, Councillor Brown reverted back to Chair's businesses and said he wished to reflect on the excellent support and guidance Members had received from the Head of Building Control and the Head of Environmental Health. He said both Willie

and Fiona were taking early retirement from Council having given over 70 years' service between them both in Mid Ulster Council and in senior roles in the legacy Council. He said they had shaped professional teams and delivered professional service and thanked them for this.

The Chair, Councillor Brown conveyed best wishes to Willie and Fiona for the future and hoped they enjoyed a well-earned, healthy long and productive retirement.

Councillor McNamee wished both Willie and Fiona well for the future and said it had been a pleasure to work with them. He said he had known Willie in legacy Cookstown days also. Councillor McNamee also acknowledged it would be Mark's last meeting in his current role.

Councillor Wilson extended best wishes to Willie and Fiona for the future and thanked them for their service.

Councillor Kearney concurred with previous speakers and said both had delivered long service, sterling advice and direction both in the legacy councils and Mid Ulster.

The Chair, Councillor Brown reiterated well wishes to Willie and Fiona and acknowledged Marks last evening in his current role. He welcomed Anne Marie who would keep them on the 'straight and narrow' in the future.

### **Matters for Decision**

#### **E291/21      Dfl Roads Proposal to Mid Ulster District Council – Part time 20mph Speed Limit at Schools.**

The Head of Building Control presented previously circulated report detailing proposals from Dfl Roads to introduce part time 20mph speed limits at schools 2021-22 as undernoted:

- Augher Central Primary School – Knockmany Road, Augher
- St Joseph's Primary School – Lurgylea Road, Galbally
- Aughamullan Primary School – Coole Road, Dungannon
- Ballylifford Primary School – Ballinderry Bridge Road, Cookstown
- St Malachy's Primary School – Moneyhaw Road, Drumullan
- Lissan Primary School – Claggan Road, Churchtown
- Phoenix Primary School – Fountain Road, Cookstown

Proposed by Councillor McNamee  
Seconded by Councillor Burton and

**Resolved**      That it be recommended to Council to endorse the proposals from Dfl Roads to introduce part time 20mph speed limits 2021-2022 as aforementioned.

#### **E292/21      Street Naming and Property Numbering**

The Head of Building Control thanked the Chair, Councillor Brown and Members for their well wishes.

The Head of Building Control presented previously circulated report which considered the naming of new streets within residential housing developments within Mid Ulster.

Site off Ferny Gardens, Donaghmore

Ferny Park Close  
Ferny Park Lane  
Ferny Park Way

Proposed by Councillor S McGuigan  
Seconded by Councillor McNamee and

**Resolved** That it be recommended to Council to name the development off Ferny Park Gardens, Donaghmore Ferny Park Close

Site off Drumearn Road, Orritor Road, Cookstown

Gortin Water Lane  
Gortin Water Grange

Proposed by Councillor Brown  
Seconded by Councillor McNamee and

**Resolved** That it be recommended to Council to name the development off Drumearn Road, Orritor Cookstown be named Gortin Water Lane.

#### **E293/21 Consultation on Proposed Amendments of Technical Booklet**

The Head of Building Control presented previously circulated report detailing Council's draft response on the consultation regarding the proposed Amendment of the Building Regulation Guidance. The Head of Building control sought approval for the draft response.

Proposed by Councillor McNamee  
Seconded by Councillor B McGuigan and

**Resolved** That it be recommended to Council to approve the response on the consultation response to the proposed Amendment of the Building Regulation Guidance

#### **E294/21 Consultation on Building (Prescribed Fees) Amendment regulations (NI) 2022**

The Head of Building Control presented previously circulated report detailing Council's draft response to the Department of Finance, proposed amendments to the Building (Prescribed Fees) Regulations The Head of Building control sought approval for the draft response.



Proposed by Councillor Brown  
Seconded by Councillor McNamee

**Resolved** That it be recommended to Council to approve the response to Department of Finance, proposed amendments to the Building (Prescribed Fees) Regulations

## **E295/21 Live Here Love Here Small Grants Scheme**

The Head of Environmental Health thanked the Chair Councillor Brown and Members for their kind words.

The Head of Environmental Health drew attention to the previously circulated report and requested that Members, note the content of the report and approve £21k per annum funding for a further 3 years, 50% which comes back to Council through a small grants programme. Approval was also sought to put in place additional contributions to the small grants programme regarding the Clean Neighbourhood Programme as outlined in the report.

Councillor B McGuigan proposed to continue with the Live Here Love Here small grants scheme and remarked that community groups were doing sterling work.

Councillor Cuthbertson asked if Council allocates more money to the scheme if the Live Here Love Here programme receives a further 12% of it and if this was the case surely Council's grants officers could deliver.

The Head of Environmental Health highlighted that the scheme had received 57 applications of which 22 had been successful in receiving funding thus additional monies could be rolled out to unsuccessful applicants emphasising that the scheme would not be starting from scratch.

Councillor Brown sought clarity regarding the £21k half of which comes back to Council with the other 50% being spent on for example regional advertising, adopt a spot schemes. Thus the 12% would only be applied to the additional monies.

Councillor Kearney requested details of the 'adopt a spot' sites in Mid Ulster.

Councillor McNamee asked if there was an amount in mind for the additional contribution.

The Head of Environmental Health said that the suggestion had been raised during discussion on the Clean Neighbourhood programme and to date an amount had not been discussed just the idea that it could be rolled out to unsuccessful applicants to the original scheme.

The Director of Public Health & Infrastructure advised a member working group had previously discussed and had suggested perhaps another £000 could help another few schemes get off the ground with grants of a maximum of £300 but Live Here Love Here would take 12% of that in costs.

Councillor Cuthbertson said he would have concerns regarding the additional fee but if it was £3000 it would be better delivered 'in house'.

Councillor Burton asked if the 'adopt a spot' money goes to the same people year on year stating that whilst she was not against it there had to be opportunities for other groups to come on board. She highlighted that other villages were now getting involved in Ulster in Bloom and especially with the rates setting looming Council should allocate more money that all villages can receive flowers to assist in their schemes. Councillor Burton also said she was not aware Council had a grants department for Environment.

The Head of Environmental Health advised that 'adopt a spot' is different from the small grants programme. For adopt a spot participants receive a kit whilst the small grants programme has a criteria set for the region. She also clarified that a list of successful applicants is shared with relevant sections to avoid duplication.

Proposed by Councillor Brown  
Seconded by Councillor McNamee and

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

- (i) Note the content of the report;
- (ii) Approve £21k per annum funding for a further 3 years, 50% which comes back to Council through a small grants programme.
- (iii) Address in the future putting in place additional contributions to the small grants programme regarding the Clean Neighbourhood Programme as outlined in the report.
- (iv) Members receive a list of adopt a spot locations

#### **E296/21 Changes to payment for trading at Cookstown Market**

The Head of Environmental Health presented previously circulated report outlining proposed changes to payment for trading at Cookstown market to promoted cashless payment to include upfront payment in advance for right to trade and an additional administration fee for cash payments made at the market.

Proposed by Councillor McNamee  
Seconded by Councillor Burton and

**Resolved** That it be recommended to Council to approve the movement to upfront method of payment in advance for right to trade and the additional administration fee for cash payments made at the market.

#### **297/21 Drinking Water Quality Report**

The Head of Environmental Health presented previously circulated report detailing the Drinking Water Quality in NI 2020 annual report and sought approval for the feedback on the consultation document.

Proposed by Councillor S McGuigan  
Seconded by Councillor Kearney and

**Resolved** That it be recommended to Council to approve the response to DEARA, Stakeholder feedback on Drinking Water Quality in NI 2020 report.

## **E298/21 Memorandum of Understanding DEARA & MUDC**

The Head of Environmental Health presented previously circulated report outlining a proposed Memorandum of Understanding between Department of Agriculture, Environment and Rural Affairs and Council in respect of certification of certain products of animal origin.

The Chair Councillor Brown asked if Council signed the memorandum of understanding if it would result in an ever increasing workload for Environmental Health officers and if Council would receive recompense from DEARA.

In response the Head of Environmental Health advised that there had been discussion regarding funding and a paper had went to SOLACE. She also clarified that currently Council has provided certification for activity 1 and activity 3 as outlined in the report but not activity 2. She said the purpose of the certificates was to keep products moving and not to certify would hinder local businesses however it was not a statutory duty Council and it was additional workload. The Head of Environmental Health concluded that Councils such as Newry Mourne and Down District Council who have to also carry out certification for activity 2 may well raise the issue with DEARA as they would be incurring more work than Mid Ulster were at present the amount of work to date was not excessive.

Councillor S McGuigan said that he had been going to raise the issue of costs but if Councils such as Newry, Mourne and Down District Council secured funding then this would be the same for all. He also asked if Council had no activity in relation to Lough Neagh fisheries.

In response the Head of Environmental Health said they had done extensive scoping with businesses and at this point in time most were trading within the European Union.

Councillor Wilson asked what would happen if Council doesn't sign the memorandum of understanding.

In response the Head of Environmental Health said that Council had engaged in the scoping and preparation for businesses but if they did not enter the understanding she would presume DEARA would have to make other arrangements. She did however emphasise that businesses in the district may well be impacted but that she could raise the question with DEARA that should workload increase there would be an expectation from Council for remuneration.

Councillor Wilson proposed that Council write back to DEARA and pose the question regarding remuneration.

The Chair Councillor Brown said he would be content to second the proposal that Council summarising that Council would ask formally if there would be financial commitment from DEARA to Council to carry out certification of certain products of animal origin prior to entering into the memorandum of understanding.

Proposed by Councillor Wilson  
Seconded by Councillor Brown and

**Resolved** That it be recommended to Council

- (i) Council write to DEARA seeking clarity on the financial commitment from DEARA to Council to carry out certification of certain products of animal origin;
- (ii) Pending confirmation concerning financial commitments, enter into the Memorandum of Understanding between Department of Agriculture, Environment and Rural Affairs and Council in respect of certification of certain products of animal origin; and
- (iii) Should Health Certification be requested by local businesses in the future that Council explore further with DEARA how the resource could be sustained in the longer term through potential funding from DEARA or via DEARA introducing a charging regime to cover costs.

**E299/21 Private Tenancies Bill – Call for Views by Department of Communities**

The Chair, Councillor Brown brought forward agenda item 24 at this point and sought clarity as to whether Council had the manpower to cope should the function of private tenancies regulation be given to Councils.

The Chair, Councillor Brown proposed that Council should write to the Department of the Communities and seek clarity if there will be a financial contribution for increased workload should additional duties be allocated to Councils in relation to the Private Tenancies Bill.

Councillor Burton seconded the proposal.

The Head of Environmental Health stated that should this happen it would bring forward a considerable work load.

Proposed by Chair, Councillor Brown  
Seconded by Councillor Burton and

**Resolved** That Council write to Department of Communities seeking clarification if there will be a financial contribution for increased workload should additional duties be allocated to Councils in relation to the Private Tenancies Bill.

**E300/21 Consultation on the Reduction of Single Use Plastic Beverage Cups and Food Containers**

The AD: Environmental Services drew attention to the previously circulated report outlining Council's draft response to DEARA consultation on the Reduction of Single Use Plastic Beverage Cups and Food Containers.

Councillor Cuthbertson expressed concern in relation to hot food carry out establishments and said it would be difficult for them to work with people handing over containers to be placed in sterile areas. He said Council must be practicable and hot food businesses needed to use some form of container.

The Chair, Councillor Brown said he did not think it was aimed at for example chip shops.

Councillor Cuthbertson said chips shops were named in scope one.

Councillor Burton said that Council should encourage use of compostable containers and said at many car parks and leisure sites you see for example pizza boxes lying around and mind set needed to be changed. She also made reference to coffee shops where you can bring your own refillable cup.

The Chair, Councillor Brown asked if comments could be included.

In response the AD: Environmental Services advised that the definition of boxes was already covered in foods that was for immediate consumption.

Proposed by Councillor B McGuigan  
Seconded by Councillor McNamee

**Resolved** That it be recommended to Council to approve response to DEARA consultation on the Reduction of Single Use Plastic Beverage Cups and Food Containers.

### **Matters for Information**

#### **E301/21 Minutes of Environment Committee held on 9 November 2021**

Members noted minutes of Environment Committee held on 9 November 2021.

#### **E302/21 WEEE Reuse Project/Funding**

Members noted previously circulated report which provided update on the WEEE Reuse Project/Funding.

#### **E303/21 Environmental Services – Christmas Working Arrangements**

Members noted previously circulated report which provided update on Environmental Services – Christmas Working Arrangements.

#### **E304/21 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.

Councillor Cuthbertson drew attention to Earls Court and said he had mentioned it at the October meeting and had also attended a meeting with the Housing Association in Dungannon in which it had been detailed in the minutes that they were writing to the Department for Communities to seek guidance. Councillor Cuthbertson proposed that progression of signage at Earls Court, Dungannon be deferred until the Housing association attain a response from the Department. Councillor Cuthbertson advised he had submitted copy of the Housing Association minute to the Head of Building Control.

The Director of Public and Health and Infrastructure said if Members were mindful the progression of signage at Earls Court could be deferred.

Councillor McNamee said a similar situation had taken place in Cookstown and he saw no reason to defer.

Councillor McNamee proposed that Council progress the complete list of signage as detailed in the report.

Councillor B McGuigan seconded the proposal.

Councillor Cuthbertson proposed that Earls Court was deferred.

Councillor Buchanan seconded the proposal.

The Chair, Councillor Brown called for a vote on Councillor McNamee's proposal

FOR 7  
AGAINST 6

**Resolved** That

- (i) Members note the results of the surveys for application of Dual Language Nameplates in Irish for the streets/roads as detailed below. Where more than 51% of occupiers that respond indicated that they were in favour of the erection of a dual language signage, nameplates will be erected.

1 Sessiagh Scott Road, Rock, Dungannon	8 The Shanoch, Coalisland
2 Lester Park, Magherafelt	9 Kellys Lane, Dungannon
3 The Meadows, Bellaghy	10 Ballynakilly Road, Coalisland
4 Earls Court, Dungannon	11 Killeeshill Road, Dungannon
5 Maplebrook Hill, Coalisland	12 Kanes Rampart, Coalisland
6 Forth Glen, Cookstown	13 Corr Road, Dungannon
7 Ferny Park Gardens, Donaghmore	

- (ii) Where more than 51% of occupiers of the street as noted below did not respond to indicate that they were in favour of the

erection of a dual-language street nameplate, then the dual language nameplate will not be erected

1 Knockaleery Road, Cookstown	2 Causeway Terrace, Coalisland
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### **E305/21 Dual Language Signage Requests**

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

### **E306/21 Entertainment Licensing Applications**

Members noted previously circulated report which provided update on Entertainment Licensing Applications received in November 2021.

### **E307/21 Bus Shelters Update**

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

In response to Councillor Milne's query regarding the commencement of works at the bus shelter Main Street, Bellaghy the Head of Technical Services said he would engage with properties team to clarify and report directly to the Member. It was noted that properties team had been engaged heavily in erection of festive lighting.

### **E308/21 NI Biodiversity Strategy 2032**

Members noted previously circulated report advising that Council Officers are currently preparing a submission for the NI Biodiversity Strategy 2032.

### **E309/21 Update on Agewell Programme**

Members noted previously circulated report which provided update on the Agewell programme between 1 April and 30 September 2021.

*Live broadcast ended at 8.24 pm.*

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

Proposed by Councillor McNamee  
Seconded by Councillor B McGuigan 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 E310/21 to E319/21.

### **Matters for Decision**

- E310/21 Ballysaggart Lough Retaining Wall Remedial Works Tender Report.
- E311/21 Installation of Memorial Tree on Council Property
- E312/21 Contract Extension: PPE/Workwear Supplier

### **Matters for Information**

- E313/21 Environment Committee Confidential minutes of meeting held on 9 November 2021
- E314/21 Confidential Minutes of Special Environment Committee held on 16 November 2021
- E315/21 Update on Procurement of Contract for Bio-Waste Services
- E316/21 Cemetery Improvement works update and Future Burial Provision in Cookstown
- E317/21 Capital Framework – ICT Contracts Update
- E318/21 Capital Framework – IST Contracts Update
- E319/21 Capital Projects – Scoping Contracts Update

### **E320/21 Duration of Meeting**

The Chair, Councillor Brown wished everyone a blessed Christmas and a peaceful new year. He said the New Year would bring new faces to the Committee with old ones in the background.

The meeting was called for 7.00 pm and ended at 9.25 pm.

CHAIR \_\_\_\_\_

DATE \_\_\_\_\_



## **Annex A – Introductory Remarks from the Chairperson**

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

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

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

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

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



**Minutes of Meeting of Planning Committee of Mid Ulster District Council held on Tuesday 7 December 2021 in Council Offices, Ballyronan Road, Magherafelt and by virtual means**

**Members Present**

Councillor Black, Chair

Councillors Bell, Brown, Clarke\*, Colvin, Corry\*, Cuthbertson\*, Glasgow, Mallaghan (7.22 pm), Martin\*, McFlynn, McKinney, D McPeake, S McPeake, Quinn\*

**Officers in Attendance**

Dr Boomer, Service Director of Planning  
Mr Bowman, Head of Development Management  
Ms Donnelly, Council Solicitor  
Ms Doyle, Senior Planning Officer  
Mr Marrion, Senior Planning Officer  
Mr McClean\*\*, Senior Planning Officer  
Mr Stewart, Senior Planning Officer  
Mrs Grogan, Democratic Services Officer

**Others in Attendance**

Councillor N McAleer\*\*\*  
Councillor Milne\*\*\*  
Councillor Gildernew\*\*\*.

LA09/2020/0839/F – Councillor D Molloy\*  
LA09/2020/0839/F – Conor McGirr\*  
LA09/2021/0015/F – Conor McGirr\*  
LA09/2021/0492/F – Joe Diamond\*  
LA09/2021/0625/F – Councillor D Molloy\*  
LA09/2021/1182/F – Marian Duffy  
LA09/2021/1182/F – Sheila Curtin and Richard Angus\*  
LA09/2020/1119/O – Councillor B McGuigan\*

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

\*\* Denotes Officers present by remote means

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

The meeting commenced at 7.00 pm

**P161/21 Apologies**

Councillor Robinson.

## **P162/21      Declarations of Interest**

*Councillor Glasgow declared an interest in agenda items 5.9 - LA09/2021/0146/O and 5.11 – LA09/2021/0495/O. He advised that he would be speaking on agenda item 5.9 – LA09/2021/0146/O on behalf of the objector.*

*Councillor Martin declared an interest in agenda item 5.1 – LA09/2020/0446/F*

*Councillor S McPeake declared an interest in agenda item 5.4 – LA09/2020/111/O.*

## **P163/21      Chair's Business**

The Service Director of Planning advised that he wished to raise a few matters. Firstly, he said that members may recall at the last meeting he had indicated that he had written to Roads Service as he was concerned about the delay in them responding particularly to major planning applications and was concerned at the lack of commitment provided in the response. He said that Council were also trying to get things moving in regards to NIEA, particularly in regards to agricultural projectors. He advised that there was a problem in relation to getting NIEA to respond in relation to habitat assessments and their screening and drew members attention of the correspondence between the Shared Environment Service and DAERA, He advised that until such time as new guidance was resolved on ammonia nitrate he foresaw that delays would continue. In order to track progress on these projects a list of applications for intensive animal houses were pulled out for Dungannon and Magherafelt based team which will be monitored.

He referred to last committee meeting where members recalled the Minister withdrawing the Planning Advice Note and it was agreed that he would write back to the Minister thanking him for doing it and using the opportunity to promote Mid Ulster's Area Plan indicating the way that new policy should be brought forward and to ask what was happening to our plan as it has been submitted to the Department over 5 months old. He advised that the only response received back was that someone may be contacting him seeking clarification which hasn't been the case. He advised members that he had further written to the Department and these letters were included in the addendum. He stated that there was no other option but to sit and wait and was concerned as it was now 6 months without word on the Plan.

The Service Director of Planning referred to the public enquiry in relation to Upperlands and said that the Council's position was not to prevent development but was to ensure that any approval did not impact on the allocations for housing elsewhere in the district. He was disappointed with the response of the Department's Barrister who said Mid Ulster Council would be forced to change its allocations in order to provide for this. The Service Director of Planning said he felt was inappropriate and didn't necessarily follow what had happened in relation to other plans.

The Service Director of Planning said that before the committee goes through the normal deferrals he drew members' attention to agenda item 4.8 and 4.9 and said that late representations had been received which hadn't been considered in the report for the nature of those objections and felt that it would be appropriate to remove them from

tonight's schedule to allow Officers time to consider them and advise members appropriately at the next committee meeting.

The Service Director of Planning referred to the below applications which were on the agenda for determination and sought approval to have the following applications deferred/withdrawn from tonight's meeting schedule for an office meeting –

Agenda Item 4.1 – LA09/2019/0561/F - Change of Use from Agricultural Storage to External Storage of Raw Materials and Parking at Lands 55m SE of 72 Ballybeg Road, Coalisland for Paul McAliskey

Agenda Item 4.4 – LA09/2020/0908/O - Dwelling and Garage at 25m NE of 68 Hillhead Road, Toomebridge for Mr Damian Barton

Agenda Item 4.5 – LA09/2020/1107/F - Change of Use of Proposed Car Sales Yard at approx. 25m NW of 60A Ballyronan Road, Magherafelt for Mr Joe Bateson

Agenda Item 4.6 – LA09/2020/1630/O - Farm Dwelling and Garage 200m NE of 51 Gulladuff Road, Magherafelt for Mr Eoin Patrick Bennett

Agenda Item 4.8 – LA09/2021/0090/F - Replacement Access Laneway to Dwelling at 37 Mullybrannon Road, Dungannon for Farasha Properties Ltd (withdrawn)

Agenda Item 4.9 – LA09/2021/0091/F - Dwelling and Garage (Amended Access and Additional Landscaping) at 150m SW of 35 Mullybrannon Road, Dungannon for Farasha Properties Ltd (withdrawn)

Agenda Item 4.11 – LA09/2021/0341/F - New Site Access at 36 Granville Road, Dungannon Farasha Properties Ltd

Agenda Item 4.15 – LA09/2021/0506/F - Single storey dwelling on a farm with conversion and reuse of existing byre and upgrade of existing access 45m SE of 83 Derryloughan Road Coalisland for Christopher McCann

Agenda Item 4.16 – LA09/2021/0507/O - Site for dwelling and garage at approx 50m NE of 73 Reenaderry Road Derrytresk Coalisland for Mr Thomas Hagan

Agenda Item 4.18 – LA09/2021/0599/O - 2 Infill Detached Dwellings with Detached Garages, Shared Access onto Rogully Road and Landscaping adjacent and NW of 6 Rogully Road, Loup, Moneymore for Ashling McNicholl

Agenda Item 4.20 – LA09/2021/0625/F - Off Site Replacement Dwelling and Domestic Double Garage at approx. 126m NW of 59 Lurgaboy Lane, Dungannon for Mr Joseph Mallon

Agenda Item 4.24 – LA09/2021/1276/O – Dwelling 35m NW of 270 Killyman Road, Dungannon for Mr Paul Cranston

The Service Director of Planning drew attention to Agenda Item 4.23 – LA09/2021/1182/F – Retention of farm and factory shop and associated works approx. 70m NE of 70 Drumgrannon Road, Dungannon for George Troughton and said that he

was leaving it up to members to decide the outcome of the application when they come to that item.

Proposed by Councillor McKinney  
Seconded by Councillor McFlynn and

**Resolved** That the planning applications listed above be deferred for an office meeting/held for further information/withdrawn from agenda as outlined.

## **Matters for Decision**

### **P164/21 Planning Applications for Determination**

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

#### **LA09/2019/0561/F Change of Use from Agricultural Storage to External Storage of Raw Materials and Parking at Lands 55m SE of 72 Ballybeg Road, Coalisland for Paul McAliskey**

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

#### **LA09/2019/0872/F Replacement Dwelling and Garage 71 Stewartstown Road, Coalisland for Patrick O'Farrell**

Members considered previously circulated report on planning application LA09/2019/0872/F which had a recommendation for approval.

Proposed by Councillor Colvin  
Seconded by Councillor McFlynn and

**Resolved** That planning application LA09/2019/0872/F be approved subject to conditions as per the officer's report.

#### **LA09/2020/0839/F 49 Social Housing Units, Associated Site Works and Landscaping at lands 62m SW of 5 Old Eglis Road, Dungannon for Newpark Developments (NW) Ltd**

Members considered previously circulated report on planning application LA09/2020/0839/F which had a recommendation for approval.

Proposed by Councillor Glasgow  
Seconded by Councillor McFlynn and

**Resolved** That planning application LA09/2020/0839/F be approved subject to conditions as per the officer's report.

#### **LA09/2020/0908/O Dwelling and Garage at 25m NE of 68 Hillhead Road, Toomebridge for Mr Damian Barton**

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

**LA09/2020/1107/F Change of Use of Proposed Car Sales Yard at approx. 25m NW of 60A Ballyronan Road, Magherafelt for Mr Joe Bateson**

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

**LA09/2020/1630/O Farm Dwelling and Garage 200m NE of 51 Gulladuff Road, Magherafelt for Mr Eoin Patrick Bennett**

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

**LA09/2021/0015/F 15 No. CAT1 (active elderly) Apartments with associated Car Parking and Landscaping at Lands to the Side and Rear of 52 Ballyronan Road, Magherafelt for T and M Scullion Ltd**

Members considered previously circulated report on planning application LA09/2021/0015/F which had a recommendation for approval.

Proposed by Councillor McKinney  
Seconded by Councillor Clarke and

**Resolved** That planning application LA09/2021/0015/F be approved subject to conditions as per the officer's report.

**LA09/2021/0090/F Replacement Access Laneway to Dwelling at 37 Mullybrannon Road, Dungannon for Farasha Properties Ltd**

Agreed that application be withdrawn earlier in the meeting to allow time for further consideration of objections.

**LA09/2021/0091/F Dwelling and Garage (Amended Access and Additional Landscaping) at 150m SW of 35 Mullybrannon Road, Dungannon for Farasha Properties Ltd**

Agreed that application be withdrawn earlier in the meeting to allow time for further consideration of objections.

**LA09/2021/0193/F Single Storey Extension to Shop Relocation of Entrance, Internal Alterations to Layout and Provision for Additional Parking within the Curtilage at 125 Mullinahoe Road, Ardboe for Cathal Forbes**

Members considered previously circulated report on planning application LA09/2021/0193/F which had a recommendation for approval.

Proposed by Councillor Bell  
Seconded by Councillor McFlynn and

**Resolved** That planning application LA09/2021/0193/F be approved subject to conditions as per the officer's report.

**LA09/2021/0341/F New Site Access at 36 Granville Road, Dungannon Farasha Properties Ltd**

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

**LA09/2021/0348/F Retention of Use Access to Provide Alternative Access at 81a Back Lower Road, Killycolpy, Dungannon for Patrick Teague**

Members considered previously circulated report on planning application LA09/2021/0348/F which had a recommendation for approval.

Proposed by Councillor McFlynn  
Seconded by Councillor Clarke and

**Resolved** That planning application LA09/2021/0348/F be approved subject to conditions as per the officer's report.

**LA09/2021/0376/F 6 Retail Units with Associated Car Parking and Ground Works at Lands approximately 45-55m NE of 40 Ballyronan Road, Magherafelt for Magherafelt Commerce Park**

Ms Doyle (SPO) presented a report on planning application LA09/2021/0376/F advising that it was recommended for refusal.

*Councillor Mallaghan entered the meeting at 7.22 pm.*

Proposed by Councillor Brown  
Seconded by Councillor McFlynn and

**Resolved** That planning application LA09/2021/0376/F be refused.

**LA09/2021/0492/F Alterations and Extension to Existing Mixed Use Building to Provide 2 Commercial Units and 4 Apartments at 1a Fair Hill Maghera for Declan McKenna**

Members considered previously circulated report on planning application LA09/2021/0492/F which had a recommendation for approval.

Proposed by Councillor S McPeake  
Seconded by Councillor Corry and

**Resolved** That planning application LA09/2021/0492/F be approved subject to conditions as per the officer's report.



**LA09/2021/0506/F Single storey dwelling on a farm with conversion and reuse of existing byre and upgrade of existing access 45m SE of 83 Derryloughan Road Coalisland for Christopher McCann**

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

**LA09/2021/0507/O Site for dwelling and garage at approx 50m NE of 73 Reenaderry Road Derrytresk Coalisland for Mr Thomas Hagan**

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

**LA09/2021/0523/F Retrospective change of use from yard to Beer Garden at the Flax Inn, 27 King Street, Magherafelt, for James O’Kane**

Members considered previously circulated report on planning application LA09/2021/0523/F which had a recommendation for approval.

Proposed by Councillor Clarke  
Seconded by Councillor McFlynn and

**Resolved** That planning application LA09/2021/0523/F be approved subject to conditions as per the officer’s report.

**LA09/2021/0599/O 2 Infill Detached Dwellings with Detached Garages, Shared Access onto Rogully Road and Landscaping adjacent and NW of 6 Rogully Road, Loup, Moneymore for Ashling Mc Nicholl**

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

**LA09/2021/0601/F Change of Use and Extension of Domestic Garage for Dog Grooming at 22 Cloghog Road, Cookstown, for Thomas McDonald**

Members considered previously circulated report on planning application LA09/2021/0601/F which had a recommendation for approval.

Proposed by Councillor Glasgow  
Seconded by Councillor Bell and

**Resolved** That planning application LA09/2021/0601/F be approved subject to conditions as per the officer’s report.

**LA09/2021/0625/F Off Site Replacement Dwelling and Domestic Double Garage at approx. 126m NW of 59 Lurgaboy Lane, Dungannon for Mr Joseph Mallon**

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

**LA09/2021/0930/F Retention of two storey dwelling, (change of location from LA09/2016/0321/F) at 26 Toomog Road Dungannon, for Louise & Ronan Donnelly**

Members considered previously circulated report on planning application LA09/2021/0930/F which had a recommendation for approval.

Proposed by Councillor McKinney  
Seconded by Councillor Clarke and

**Resolved** That planning application LA09/2021/0930/F be approved subject to conditions as per the officer's report.

**LA09/2021/1145/F Industrial Storage Shed at Site Adjacent to 17 Deerpark Road, Bellaghy, Magherafelt, for Seamus O'Kane**

Members considered previously circulated report on planning application LA09/2021/1145/F which had a recommendation for approval.

Proposed by Councillor D McPeake  
Seconded by Councillor Corry and

**Resolved** That planning application LA09/2021/1145/F be approved subject to conditions as per the officer's report.

**LA09/2021/1182/F Retention of Farm and Factory Shop and Associated Works Approx 70m NE of 70 Drumgrannon Road, Dungannon, for George Troughton**

Mr Marrion (SPO) presented a report on planning application LA09/2021/1182/F advising that it was recommended for refusal.

The Chair advised that a request to speak against the application had been received and invited Mrs Marian Duffy to address the committee.

Mrs Duffy advised that she was objecting to the retention of Grange Farm and factory shop and associated works on the grounds of health and safety. This is a notoriously bad corner, where at least eight deaths have occurred, and the situation has been exacerbated by the intensification of traffic coming and going, to Grange Farm and factory shop. From a personal perspective the Grange Farm traffic causes her to wait on this very busy main road to enter her home, regardless of direction of travel. Due to the heavy traffic from Grange Farm blocking her entrance, she was forced to wait on the main road, leading to vehicle queues and congestion on the corner endangering the safety of all road users. She frequently was obstructed from exiting her own premises by 40ft lorries, vans, cars, and other vehicles as they must move onto the main road before she can exit.

She stated that on two occasions her car had been crashed into from traffic behind whilst waiting on this corner of the Dungannon main road to enter her home, whilst waiting for this traffic to clear. As a result of the second accident her car was a total

write-off, and she sustained a long lasting injury which she was still suffering from today. Frequently members of the public have been unlawfully using the entrance to her home as a turning point, and she had been verbally abused by members of the public when stating to them that this is private property. Grange Farm admitted on one occasion that a lorry crashed into one of the pillars at the entrance to her home, this still remains unrepaired. The other pillar at the entrance has been hit by vehicles on several occasions due to high traffic volume and no right turning point. She has been unable to install gates to the entrance to her house, for fear of accidents and damage to the gates. As she owned the property on both sides of the entrance of the lane to Grange Farm, the applicant Mr Troughton, has only a right of way up the lane at this entrance point. He has already widened the entrance to the lane using part of her property which was taken by stealth. Within the last month, she was advised to define her land boundaries. She chose to do this on a Sunday, as Grange Farm shop is not open. However, within approximately three hours of placing the cones on the boundary lines, she was requested by Police, to remove the cones as it was causing obstruction to the lorries otherwise and would face a fine.

Mrs Duffy said that her principle objection on the grounds of safety is on account of the several road traffic deaths which have unfortunately occurred on this corner resulting in at least eight deaths and a paraplegic. The latest deaths occurring in 2018 when three people lost their lives. This led to MLAs and MPs visiting this notorious accident blackspot to review the health and safety aspects of this road. Numerous other severe traffic accidents have occurred on this corner, the latest occurring in June of this year (2021), causing an injury to the person involved and damage to her property. In December 2019 another accident occurred on the corner, resulting in a serious injury as well as damage to a telegraph pole causing endangerment and a high safety risk to us, until it was repaired several days later. Health and safety are of paramount importance to her, my family, friends, and neighbours. There are six semi-detached houses known locally as "Adaville Cottages" on the same corner but on the opposite side of the road to her home. They have confirmed the same view regarding this Health & Safety issue, stating they find it very difficult to enter and leave their homes safely. With the intensification of traffic from Grange Farm this is causing a greater threat to their safety. The neighbours of "Adaville" corner have campaigned for years to make this a safer corner, which has been supported by the MLA's and MP's. Unfortunately, the intensification of traffic is not only limited to 9 to 5 but continues throughout a 24-hour period. This is a health and safety hazard not only for her but for her family, friends, neighbours, and the public. They require safe access to their home without their safety being further compromised and preventing future accidents. She provided the council with photographic evidence which supports my statement here today. Further serious

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

Ms Curtin advised that Grange Farm was a family based business which provided locally farm based produce and began trading in 1987 producing and selling eggs and is located on a working poultry and beef farm. The principles of sustainable development and supporting local charities are at the heart of the company incorporating an ethos of providing quality farm-to-fork produce. In 2004 the company expanded into food processing which include the process of producing and packing of meat and vegetables including a large potato peeling and chip making line amongst

other food processing supplied directly to the shop. PPS21 is usually permissive towards farm diversification projects and there has been retailing at this farm for a long time, going back to the early days of selling eggs, potatoes and trays of chicken and throughout the years the number of customers arriving to the farm gradually expanded and the old farm-shop in the middle of the farmyard was replaced with the current proposal. She advised that Richard Agus from MRA Partnership had been instructed to address the points very recently raised by DfL Roads and was available remotely to answer any questions regarding access matters. However, given the scale of the shop, they were unconvinced intensification was actually taking place and whilst the traffic road deaths which occurred on this road are a very emotive matter, we know that the current farm-shop was not in existence at the time at any of the deaths detailed by the Objector i.e. pre 2018. Road safety issues on this road remain to be addressed by DfL Roads with or without this application and therefore to what extent is the road safety issue pertinent to this application. The committee report alluded to several outstanding pieces of information which were never requested with report raising a number of assumptions without affording the applicant the opportunity to provide the facts and in conjunctions this application for farm diversification was not consulted to DAERA. The planning act provides that in determining an application for planning permission the Council must have regard for the Local Development Plan and to any other material considerations. She felt that it was wholly unfair to bring the application to committee in circumstances where DfL Roads as statutory consultee have indicated that further information is required and premature for DfL to make any recommendation in circumstances where information was outstanding and the Planning committee will lead themselves into error if it takes the same approach. On this basis she requested that this application is deferred for a later date preferably an office meeting when all the relevant information was available for consideration and to enable a proper discussion of facts. She said that the applicants were willing to accept a negative condition of restricting the items for sale in the shop, restricting operation hours and were willing to work with DfL in terms of road improvements including contributing towards new road signage.

In response to the Strategic Director of Planning's query, Ms Curtin advised that the farm shop came into existence in 2018 and that it sold farm and factory goods, some of which were not produced or processed on the existing farm. She stated that the goods sold at the farm which came from elsewhere were sourced locally.

The Strategic Director of Planning stated that it found it difficult to see where this proposal was going as there seemed to be other issues involved and no straight answers being given.

Ms Curtin suggested that it may be more beneficial to conduct an office meeting to generate all the relevant information.

The Strategic Director of Planning felt that this may be the best outcome as there were still a lot of issues to consider i.e. has the road dangers been accelerated due to the opening of the shop or was this more of a dispute.

Mrs Duffy advised that this was a notorious dangerous corner and she had provided photographs to Council to support her evidence.

The Strategic Director of Planning stated that the purpose of his questioning was not to prove one person right or wrong but more to establish a public interest that further investigations be carried out regarding the situation and would be content to defer the application tonight provided that both parties provide further evidence. He felt that there was serious issues that needed addressing in regards to road safety, access and visibility splays and what the shop was used for and whether this can be used on a protected route. He asked members if they would be content to defer the application until further information was received and considered.

Councillor Cuthbertson stated that as a Councillor which represented the Dungannon area he may have more knowledge than other members or officers. He said that this road was troublesome for a long number of years possibly 15 years or more and may be worthwhile contacting DfI Roads requesting statistics for crash history as it would be interesting to see when they took place and at what time as it was his understanding that the last fatality took place on a weekend, possibly on a Sunday. He said that he had some knowledge of the shop which was trading here and an existing access which shows on an aerial view of a very large farm. He said that he would suspect that a lot of the lorries going in and out of the lane would be to service that farm and didn't think for the size of the shop would be increasing that and felt if the shop wasn't there he didn't think that the lorries wouldn't cease going to the site and continuing on. He said that in his experience of the shop, it wouldn't be a shop that people would be queuing to get to during the week, particularly at peak times, with the possibility of a Saturday morning being the busiest time as people would wish to buy chicken, ham or gammon would probably buy it somewhere more convenient rather than going out onto the A29. He said that he would like to see more information from DfI and if they come back blank and say that this was a dangerous corner or dangerous stretch on the A29, stated that there were a couple of corners on the A29 where DfI were long lobbied on and to continuously come back to say that this road was dangerous was not good enough and was aware that this may not be a planning material consideration, but felt that DfI needs to be forced to come back with solutions to this. He referred to the programme of works which was presented to the Environment Committee on Monday night over the next 2 to 4 years and disappointing to see that this road wasn't even on it and not considered important enough by DfI to put on their preferred programme of works. He said that whilst listening to previous speakers that this application was an ideal one for the committee to go out and see on the ground possibly at a later date and said that he would be happy to propose to support what the Strategic Director of Planning suggested.

Proposed by Councillor Cuthbertson to defer the application for an office meeting until all the relevant information was received from all parties involved.

The Strategic Director of Planning said if members so wished to hold a site meeting then there would be no issue with this and any member wishing to do so could go out with the Head of Development Management. He said that he would be willing to hold an office meeting with the parties involved if need be.

In relation to DfI, the Strategic Director of Planning advised that there were problems trying to get information from them and didn't want this application getting lost in the bureaucracy of other matters. He felt that for all parties concerned that direction was needed, whatever the outcome of the situation.

Councillor McKinney said that he would be of the same mindset and would be nice to see the operation on site to actually see what takes place as members were hearing a lot about what and what doesn't happen on the access. He felt that a site visit would give members an insight to what was actually happening and would be beneficial for the Strategic Director of Planning to hold an office meeting to get to the nitty-gritty of things at a later date and would be happy to defer the recommendation. He stated that everyone had corners in their own areas which were deemed dangerous but said that this was the makeup of Mid Ulster roads.

Councillor McKinney seconded Councillor Cuthbertson's proposal to hold a site visit and then officers hold office meeting thereafter with the particular agents involved.

The Chair referred to Councillor Cuthbertson's original proposal for an office meeting and asked if he would be prepared to amend it to include a site meeting also.

Councillor Cuthbertson agreed that he would be happy to amend his proposal to include a site meeting along with an office meeting.

Councillor Cuthbertson said he wished to clarify that he was only asking for the accident history from DfI just to see what the extent was as there was comments raised tonight that there were accidents nearly on a weekly basis on this strength of road and was good sometimes to have the factual information.

He referred to this committee permitting development on the A4 road coming into Augher which had been deferred for a year or more and whilst it hasn't commenced, it still was permitted and negotiations completed with DfI albeit it being in the past.

Councillor Glasgow said that he would be supportive of the recommendation as it would allow time for members to get an insight at a site meeting and to possibly make a correct decision.

Councillor Mallaghan and Clarke both concurred with the Strategic Director of Planning recommendation.

Councillor Colvin advised that not all accidents were recorded by the PSNI or DfI and figures could be meaningless as only fatalities and serious injuries were recorded and wouldn't be confident about relying on their statistics.

Proposed by Councillor Cuthbertson  
Seconded by Councillor McKinney and

**Resolved** That planning application LA09/2021/1182/F be deferred for a site meeting and also an office meeting with the relevant parties to generate further information.

**LA09/2021/1276/O Dwelling 35m NW of 270 Killyman Road, Dungannon, for Mr Paul Cranston**

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

**LA09/2021/1331/O Dwelling and Garage approx. 55m SW of 10 Castlefarm Road Stewartstown, for Mr Michael Quinn**

Members considered previously circulated report on planning application LA09/2021/1331/O which had a recommendation for approval.

Proposed by Councillor Colvin  
Seconded by Councillor Glasgow and

**Resolved** That planning application LA09/2021/1331/O be approved subject to conditions as per the officer's report.

**LA09/2021/1514/F Two storey dwelling at 84 Orritor Road, Cookstown, for Bell Contracts Ltd**

Ms Doyle (SPO) presented a report on planning application LA09/2021/1514/F advising that it was recommended for refusal.

Councillor Clarke said that he was aware of the site and felt that it wasn't unreasonable to ask for answers to come out onto the Forthglen entrance rather onto the Orritor Road. He said that there was a bit of an incline on the Orritor Road and already access from the adjacent house onto the Orritor Road and past that there was another entrance for two dwellings in a laneway. He said that there were already 3 premises accessing onto the Orritor Road and this application would be another which between this and Forthglen and felt that it was reasonable that this entrance could be and should be the Forthglen entrance.

The Chair said that he knew that section of road himself and believed from the report that the option was put forward to the applicant and agent to consider to come out onto the Forthglen side but this hadn't been progressed.

Councillor Brown said that by reading the report and looking at the case history enquired if there was a previous application which was still live or had it now run out. He referred to case reference LA09/2016/1326/F for 2 apartments and enquired if there was a road access granted as part of that application which was granted in June 2017.

Ms Doyle (SPO) advised that this was still a live application.

Councillor Brown said that he assumed that Roads Service had granted the access out on that application so if the 2 apartments were being done away with and having one property what was the situation.

Councillor McFlynn enquired if there was any point in deferring the application for one month to allow the applicant and agent time to reconsider.

The Strategic Director of Planning advised that time was already allocated to the applicant and agent to reconsider which they didn't act upon.

Councillor Glasgow enquired if Roads Service had come back with issues regarding road safety and concurred with Councillor Clarke's comments about coming out of the

30 mph limit and found it hard to understand why someone wouldn't want to be that little bit safer and come out at Forthglen.

The Chair said that it was his understanding that Roads Service weren't content coming out onto the Orritor Road and suggested that it be considered for it to come out at Forthglen, but didn't believe that this option had been taken forward by the agent or the applicant even though the suggestion had been made to them.

Councillor Mallaghan sought clarification on whether Roads Service's advice on this one here was that they were objecting or was it an advisory.

Ms Doyle (SPO) advised that the consultation response on the 8<sup>th</sup> November stated that *"The proposal is contrary to PPS3 Access, Movement and Parking Policy AMP2, in that it would if permitted, prejudice the safety and convenience of road users since it adds to the proliferation of accesses onto this road. An alternative access could be achieved via the adjacent housing development road as per Paragraph 7.1 DECAN 15"*.

She said that it was her understanding that the 2 apartments worked because access was taken off Forthglen, but in this current proposal if it was taken off Forthglen then they wouldn't achieve any rear amenity space which was why the applicant wanted it off the Orritor Road.

Proposed by Councillor Mallaghan  
Seconded by Councillor Glasgow and

**Resolved** That planning application LA09/2021/1514/F be refused.

**LA09/2020/0446/F Change of House Type Approved M/2006/1301/RM at Land Opposite and SW of 165 Favour Royal Road, Augher for Mr Finbarr McQuaid**

Members considered previously circulated report on planning application LA09/2020/0446/F which had a recommendation for approval.

Proposed by Councillor McKinney  
Seconded by Councillor Glasgow and

**Resolved** That planning application LA09/2020/0446/F be approved subject to conditions as per the officer's report.

**LA09/2020/0790/O Dwelling and Detached Double Garage with Storage Above at approx. 50m SW of 50 Cadian Road, Eglish for Ryan Muldoon**

Members considered previously circulated report on planning application LA09/2020/0790/O which had a recommendation for approval.

Proposed by Councillor Colvin  
Seconded by Councillor Glasgow and



**Resolved** That planning application LA09/2020/0790/O be approved subject to conditions as per the officer's report.

**LA09/2020/1049/O Dwelling and Garage (amended access) at Lands to Rear of 195 Coalisland Road, Dungannon for Patrick Mallon**

Members considered previously circulated report on planning application LA09/2020/1049/O which had a recommendation for approval.

Proposed by Councillor Colvin  
Seconded by Councillor McFlynn and

**Resolved** That planning application LA09/2020/1049/O be approved subject to conditions as per the officer's report.

**LA09/2020/1110/O Site for Replacement Dwelling at Lands approx. 40m E of 40 Ballymacilcurr Road, Maghera for Declan Mc Kenna**

Members considered previously circulated report on planning application LA09/2020/1110/O which had a recommendation for approval.

Proposed by Councillor McFlynn  
Seconded by Councillor Clarke and

**Resolved** That planning application LA09/2020/1110/O be approved subject to conditions as per the officer's report.

**LA09/2020/1115/O Site for dwelling and garage at lands NNW of 162b Washingbay Road and E of 152a Cloghog Road, Coalisland for Mr Brendan Corr**

Members considered previously circulated report on planning application LA09/2020/1115/O which had a recommendation for approval.

Proposed by Councillor McKinney  
Seconded by Councillor Quinn and

**Resolved** That planning application LA09/2020/1115/O be approved subject to conditions as per the officer's report.

**LA09/2020/1119/O Dwelling and Garage in a Cluster, 10m W of 44 Ballyscullion Road, Bellaghy, for Brian Milne**

Ms Doyle (SPO) presented a report on planning application LA09/2020/1119/O advising that it was recommended for refusal.

*Councillor Glasgow left the meeting at 8.16 pm and returned at 8.19 pm.*

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

Councillor B McGuigan advised that this application had been deferred in February for an office meeting and again in October for a site visit with members. He said that prior to the site visit the Council considered the application site to be located within an existing cluster consisting of four or more buildings and there were actually 12 dwellings in that cluster. Council also accepted that a dwelling here could be absorbed into the existing cluster through rounding off on a well-designed dwelling not visually intrusive into the open countryside. It was also stated that a dwelling here would not significantly alter the existing character of the area giving the existing development in the area which was evident from the overhead photos. At the site visit the issue of development and at least two sides were addressed and was now considered by Council that the site now meets the policy requirement and the site was bounded by two sides of development with the only contentious issue left was the focal point associated to the cluster. A focal point was considered as giving a place a sense of identity and somewhere that was well known to the community with a sense of presence and so keeping with the spirit of the policy, local knowledge tells us that there was a number of focal points at this location. Firstly, the cottages themselves where the workers from Ballyscullion House lived, with the cottages being on the edge of the Estate and were known locally as 'Ballyscullion Cottages' with the listed boundary wall and listed gardens of the Estate were adjacent to the cluster. Secondly, the cluster was a short distance from the main Bellaghy GAA grounds which was known as the 'third pitch'. Thirdly, to the north of the site at 54A and within the cluster is a joinery business, which was a long establish business having been there for over 40 years with business rates being paid on the property and confirmation of this had been given to the Council. Regardless, if there was a focal point or not, the site complies with the policy's broad overall intent in that it would round off and consolidate an existing cluster of development without impacting on the area's character. Council were in agreement that at least five of the six criteria are met and were numerous examples on all Councils and that the Planning Appeals Commission where the same scenario has been approved and no precedent would be set by approving this application. The site was for a young man getting married next year which lived, worked and contributes to the area and wishes to remain here. In concluding Councillor B McGuigan felt that the proposal met the requirements of Policy 2A and believed that this application should be approved.

Councillor S McPeake said that when the report came back he had expected it would be recommended for approval as it was clear at the site meeting that there were 11 to 12 houses there. He advised that he also knew the road well as his grandmother lived on the Ballyscullion Road where remnants of the older cottages were still visible and that the cluster of houses was always recognised at that location and only made sense as these were homes for workers on the nearby estates. He said that the proposed dwelling would give a rounding off effect bookending the whole development. In terms of focal points, he said that given there were three within the proximity – GAA pitch, cottages and a thriving business for years where auctions used to be held and when you look at the whole thing he was surprised that it wasn't recommended for approval based on how the site meeting had went that day. He said that the site meeting had taken place a day or two after the reconsideration of PAN by Minister Mallon and he had asked on the day if this would make a material change as previous to this the PAN was recommending that an application was deemed to reach all essential criteria for a cluster whereas Councillor B McGuigan alluded to where possibly the application doesn't meet one strong criteria as should be, does this mean that this was a negative consideration. He felt that there was strong criteria on each one of them and the cluster

element itself and did concede that if the pitch had to be next door it would've been stronger, but the fact that the cottages were historic in their own nature and the fact that there is a business there which were paying rates should be considered for approval.

The Strategic Director of Planning advised that we could not take into account the GAA club as providing a focal point because it related to the settlement of Bellaghy and was not part of the entity of this cluster. He also said he found it difficult to accept it met policy because of the issue of the focal point which in policy was defined as a cross roads or community facility. He did however feels that it was always reasonable to treat an application as an application to policy, He said that he listened carefully to Councillor B McGuigan's comments and by looking at the form at what exists was quite compact and the site benefits from development on two sides. In fact the proposal met all policy requirements apart from a focal point. It was also clear that a house here would read as part of the single entity of this established cluster of dwellings and would not lead to further development. As a result it could be seen as rounding off.

Councillor Cuthbertson said that he would struggle with this application as there was no focal point there and would have concerns and would go for the case officer's recommendation for refusal.

Proposed by Councillor Cuthbertson that application be refused.

Councillor Bell advised that he wasn't going to rehash what was already said by those who had already spoken tonight supporting that the recommendation for refusal be overturned. He said that he had sat here over the number of years and seen similar situations to this one and didn't think that another property there for where it was proposed was going to make much or any difference to a detrimental impact on the countryside. He said that he agreed with the Strategic Director of Planning on this one that it could be classed as rounding off in exceptional circumstances.

Councillor Bell proposed that the application be approved.

The Strategic Director of Planning advised that although it didn't have a focal point like a crossroads, it did have an identity.

Councillor Clarke said that he would be happy to second Councillor Bell's proposal to approve the recommendation as it was evident that there was an opportunity for rounding off and also that as the end of the settlement would be a compact end. He referred to the cottages and said most were for workers who worked at Ballyscullion Estate.

The Chair advised that there were two proposals for members to consider and said that in this instance it would need to go to a vote.

Councillor Cuthbertson said that after listening to the committee's thoughts and what they were minded to do and the guidance of what the Strategic Director of Planning said that he would be happy to withdraw his proposal and not put it to the vote.

Councillor Cuthbertson asked that it be recorded that he was not agreeing to the proposal to approve the application.

Proposed by Councillor Bell  
Seconded by Councillor Clarke

**Resolved** That planning application LA09/2020/1119/O be approved with appropriate conditions applied.

**LA09/2020/1225/O Infill Dwelling at Land Adjacent to 214 Hellhead, Castledawson, for Jim McPherson**

As per circulated addendum, this application has been withdrawn by agent.

**LA09/2020/1375/F Dwelling in Substitution for I/2009/0372/F and Retention of Existing Mobile Home for a Period of 3 Years at 27a Drumconvis Road, Coagh, for Mr Paine**

Members considered previously circulated report on planning application LA09/2020/1375/F which had a recommendation for approval.

Proposed by Councillor Colvin  
Seconded by Councillor Glasgow and

**Resolved** That planning application LA09/2020/1375/F be approved subject to conditions as per the officer's report

Ms Doyle (SPO) drew members' attention to circulated addendum which advised of the Agent informing Planning of his applicant's surname being misspelt. She advised that correct spelling of surname was correct on P1 form as Mrs Raymond Paine.

The Strategic Director of Planning that the spelling of the applicant's name wasn't the issue and more to do what the site was which everyone was aware off. He advised the objector presented to the previous planning committee stating their reasons for objecting to the application as they felt that this was on land they had owned. This may be the case as a strip of the site is shown on Land Registry Maps. The applicant felt it was their land as the site was inside what on the ground was the defined curtilage and it was the site as defined by the boundaries which was originally sold to the objectors. The service directed at the previous meeting had indicated that as the strip of land was under dispute could the house be kept outside of the disputed area and asked if this could be accepted and at one point it appeared that it could. Thereafter, the objectors rejected the offer and said that they would have to wait and see and since then there has been a very vociferous objection from the neighbours who fully believed that development hadn't started in time. He advised that a photograph was presented which showed trenches and foundations being dug and full of water and whilst looking at it himself he felt that it was dug before the photograph was taken and whilst he could not say with any certainty when it was dug the balance of probability was that it was in time. The objectors were also disputing the Building Control records. The Service Director indicated that he felt the key point has been missed in the argument over start dates because regardless of whether it was in time the question was whether or not it was infill development and the answer to that is yes. The other argument related to access and whether that was in place, this was a visible access as it serviced a caravan and previously benefited from approval. The objectors advised the Strategic Director of

Planning that the matter was going to be raised in Stormont by an MLA and an immediate answer needed to be given by the end of that day and in response he had asked for the hansard reference so the response could be taken into account, but no hansard reference was provided. He said that the objectors advised that a local QC in Northern Ireland Mr William Orbinson was going to represent them on their behalf as he specialised in planning. He said that an email was sent to planning inbox this morning by Diamond and Heron Solicitors seeking a deferral as William Orbinson QC wished to make his case to the Planning Committee. He said that firstly, he would bring it to the attention of the Planning Committee and it was up to members to decide to allow Mr Orbinson speak and was surprised if they wished to make representation to speak when this wasn't done long before now. Secondly, the objectors have had their say at a previous Planning Committee and asked why the rules should be put aside again because a lawyer had been quoted. The Strategic Director of Planning said that finally, the request should have went through Committees Section as it was public and dates indicated which wasn't done. He said that his own view is that this was an out of time request and just because a QC was quoted, this shouldn't generate any additional rights as a lot of time had already been given to the arguments and felt if members wished to make a determination tonight then they were entitled to do so.

*Councillor Martin declared an interest in the above application due to having previous contact with people involved in the application before becoming a member of the Planning Committee.*

Councillor Glasgow stated that after listening to the Strategic Director of Planning he was happy to stick to the current proposal as there been ample opportunities to come forward and was happy that a process was followed. He said that he was satisfied that the process was fulfilled to the highest degree.

Councillor Colvin agreed that he was also happy to stick to his original proposal.

Councillor Mallaghan enquired if this application was approved tonight would Mr Orbinson have an opportunity to review the decision.

The Strategic Director of Planning advised that like all these things, a pre-action protocol letter would need to be submitted to our solicitors. If it was felt that there was wrongdoing they would be invited to make their application for judicial review and if it was felt they had a case then Council would throw in the towel, but if it was felt they didn't have a case then we would defend the decision of the planning committee. He said at the moment the case as he understood was about land ownership. He could not determine who owned what. There is evidence from Land Registry that the objectors own a piece of that land but the house has been kept outside that piece of land and therefore did not prejudice the outcome of that dispute. In relation to the house, it was infill which meets the policy tests. He said that the purpose of the Serving Notice was that people could draw things to Planning's attention if it was a planning consideration and put their house in order legally.

**LA09/2021/0146/O 2 storey Dwelling and Garage at Builders Yard (existing entrance to the Drum Road) at Site Between Oakland Villas and 167 Drum Road, Cookstown for Philip and Judith Mitchell**

*Councillor Glasgow withdrew to the public gallery.*

Ms Doyle (SPO) drew members attention to planning application LA09/2021/0146/O which had a recommendation for approval. She referred to previously circulated addendum and advised that an additional objection had been received.

Councillor Clarke sought clarification on whether this was an adopted roadway.

Ms Doyle (SPO) said that she wasn't sure it was but couldn't confirm, but would make the assumption that the access to Oakland Villas was adopted but the new access wouldn't be.

Councillor Clarke said that in that instance he would be happy to propose the recommendation to approve the application.

The Chair advised that a request to speak against the proposal and in support of the objectors had been received and invited Councillor Glasgow to address the committee.

Councillor Glasgow advised that he had declared an interest in the application tonight as he had been asked to speak in support of the objectors at 1, 2, 3, & 5 Oakland Villas, Cookstown. He said that Oakland Villas comes out onto the Drum Road and there were six houses in total and wanted to emphasise that the objectors did not have any issues with the house and more to do with the proposed entrance which was coming out from 167 through Oakland Villas to the Drum Road. Everyone can identify within their own DEA's where these small estate cul-de-sacs which were previously owned by the Housing Executive and only one small bit of green areas for children and families to use and even today when he was speaking to them, he could see the childrens toys sitting outside on the roadway as the residents do not have the privilege of having a big size back garden and have to play outside their front door with traffic. He referred to his concern about the level of traffic going through and the lack of carparking spaces and where this entrance would be coming out there was currently two to three carparking spaces and when these houses were actually built they were designed for smaller cars but now there were bigger cars and larger families. He said that most families had two cars and if you took two cars over six houses, the loss of carparking spaces resulted in a massive disadvantage to the families which live there. Another consideration which needed to be addressed would be the amount of deliveries including the postman and amazon deliveries or any other deliveries which be made to dwellings, these delivery drivers area used to driving into people's yards for a quick drop off and would now have to navigate potentially six cars parked on left-hand side and children playing on a small bit of green area. He said as this was once a small quiet community was now upset, worried and concerned that there was a massive health and safety issue for their children coming down the line.

As pointed out by the Case Officer in terms of ownership, these houses were previously owned by the NIHE and most were now privately bought and enquired if a Requisite Notice been served as it was his understanding that the NIHE own the entrance into Oakland Villas. He said that whilst reading through the report he did not see a reply back from the NIHE and had they no objection as he would be quite concerned that they were sitting silent on the matter as members had previously lobbied and pleaded

with them for additional carparking spaces at this cul-de-sac. He said that he would be very disappointed if NIHE didn't respond back on this concerning matter and think that the question needed to be put to them whether they were in agreement with this proposal. He referred to the report where it was raised about the focal point of the village green and was surprised that Oakland Villas was classed as one. He emphasised that the residents of Oakland Villas were not against the house but was against the entrance into the house and asked why the applicant couldn't use the existing entrance on the right-hand side as this would keep both communities happy and keeps children and families happy with the little green space they have got.

Ms Doyle (SPO) advised that she didn't have an opportunity to look at the site but looking at Spatial NI and Google Maps, it looks like an area of green open space was dedicated to Oakland Villas.

The Strategic Director of Planning felt that this was a very important consideration and felt that more needed to be done than having a Requisite Notice. He felt that it would be more beneficial to send a consultation to the Housing Executive to provide a view about the loss of open space.

Councillor Mallaghan sought clarification on how there could be a loss of open space being affected by this application as it was his thinking that there was already access there.

Ms Doyle (SPO) stated that it was her understanding that this has not been affected by the application as the access to Oakland Villas coming off the Drum Road. She said when driving in the houses are in an L shape, access road around the corner to access the application site and on the right hand side of that access road is Oakland Villas and an area of green space. She stated that the space hasn't been affected but that the applicant had taken down some trees from the access point, but didn't believe that he removed trees from the green space area.

The Strategic Director of Planning felt that more information was needed to make sure that concerns were answered.

The Strategic Director of Planning said that by looking at the photographs he can see where there was an access into a field which wasn't very wide and looks like something has been planted and may be the cause of the upset.

The Chair alluded to previous comment regarding the loss of three carparking spaces and enquired if there was an existing access already there which this would be utilising, where was the loss of carparking spaces.

Ms Doyle (SPO) advised that Roads Service didn't object to this application on the terms of loss of carparking spaces.

She said that she was just been made aware that there was an enforcement case on this also but didn't know any information.

The Strategic Director of Planning said that there were some issues that needed addressed.

Councillor Clarke said at the beginning he sought clarification on whether this was an adopted roadway and in the interests of what has happened he said that he would be prepared to withdraw the proposal to approve subject to further investigations being carried out

Councillor Brown said that he would be happy to defer the application until all the relevant information was received from the relevant authorities.

Councillor McKinney said that it would be concerning for residents if there were unable to park their cars at their homes and was vitally important that this issue be cleared up.

Councillor McFlynn said that sometimes cul-de-sacs sit untouched for 20 years and residents may not like change and important that clarity is sought and suggested that it may be beneficial to have a site meeting.

Councillor S McPeake said that he was previously going to suggest a site meeting but going on what the Strategic Director of Planning said it may be better way on what was suggested by looking at the photographs. He said that it was clear to see that there were lots of different interests going on at the location and may cause friction. He said that moving forward it would be beneficial to have full details marking out ownership on photographs to make members more aware.

Councillor Mallaghan advised that when Housing Executive's houses were sold off to more privately owned residents, the Housing Executive took on less of a concern and interest.

Proposed by Councillor Clarke  
Seconded by Councillor Brown and

**Resolved** That planning application LA09/2021/0146/O be deferred for one month until further clarification was received.

*Councillor Glasgow returned to the committee.*

**LA09/2021/0224/F Dwelling 80m W of 67 Dungorman Road, Dungannon, for Mr Paul Brannigan**

The Strategic Director of Planning advised that due to personal information this application would be raised in Confidential Business.

**LA09/2021/0495/O Infill dwelling at lands NW of 7a Killycurragh Road, Orritor, Cookstown (with access via Craigs Road) for Maurice Freeburn**

Ms Doyle (SPO) presented a report on planning application LA09/2021/0495/O advising that it was recommended for refusal.



Councillor Brown said that unfortunately some members didn't get to the site visit as they were otherwise occupied but enquired about the site which still had to be developed and asked where it was in relation to the overhead map.

Mrs Doyle (SPO) advised that it was building 4 at the visibility splays. She clarified that buildings 3 and 4 would be fronted out onto the road, with development at building three already commenced but building four not started yet.

Proposed by Councillor Mallaghan  
Seconded by Councillor Corry and

**Resolved** That planning application LA09/2021/0495/O be refused.

**LA09/2021/0691/F Change of house type (approved I/2011/0514/RM) and garage at Killycanavan Road 170m NE of Junction with Brookend Road, Ardboe for Hannah Quinn**

Members considered previously circulated report on planning application LA09/2021/0691/F which had a recommendation for approval.

Proposed by Councillor Bell  
Seconded by Councillor Colvin and

**Resolved** That planning application LA09/2021/0691/F be approved subject to conditions as per the officer's report.

**Recess**

The Chair advised that Members would be taking a recess for a comfort break.

Proposed by Councillor Glasgow  
Seconded by Councillor Brown and

That members be allocated time for a recess.

*Members took a recess at 9.20 pm.*

*Members returned to the meeting at 9.34 pm.*

**P165/21 Receive Response to Consultation from DfC Regarding Possible Listing at Glen Road, Maghera**

The Service Director of Planning presented previously circulated report to provide members with background and draft response to a consultation by Department for Communities, Historic Environment Division (DfC, HED) regarding their consideration to list a Cow Tail Pump at 120a Glen Road, Maghera BT46 5JG. The consultation from DfC, HED on the Cow Tail Pump as attached at Appendix 1.

Proposed by Councillor S McPeake  
Seconded by Councillor Black and

**Resolved** To note the contents of the report and agree that the previously attached response (Appendix 4) be issued to DfC, HED to support the listing of the aforementioned Cow Tail Pump.

#### **P166/21      Review of Scheme of Delegation December 2021**

The Service Director of Planning presented previously circulated report to allow members prior consideration of the issues to be resolved as part of the review and to agree a date for a workshop where all Councillors will be invited to participate.

Councillor S McPeake said that he would be happy to propose the recommendation but asked that the whole aspect of enforcement to be also focused elements of the workshop.

Councillor Mallaghan said that this would be a good opportunity to have a good open conversation and to explore other things. He concurred with Councillor S McPeake regarding including enforcement matters as it can be quite a delegate area at the best of times and welcome the opportunity for the workshop.

Proposed by Councillor S McPeake  
Seconded by Councillor Black and

**Resolved** That all members of the Council be invited to attend a workshop on Tuesday 25 January 2021 in relation to the Review of Scheme of Delegation. The whole area of Enforcement to be also included in the workshop. This paper to be sent out to all members in order to inform them of the discussion.

*Councillor Colvin declared an interest in Historic Monuments Council in the event of there being an a possible overlap.*

#### **Matters for Information**

##### **P167/21      Minutes of Planning Committee held on 2 November**

Members noted minutes of Planning Committee held on 2 November 2021.

##### **P168/21      Receive Response from DfC HED re Conservation Principle**

Members noted previously circulated report which informed members of the Department for Communities, Historic Environment Division's written response to Mid Ulster District Council regarding the Council's submission to their '*Public Consultation Conservation Principles Guidance for the Sustainable Management of the Historic Environment in Northern Ireland*'. DfC, HED written response received via email on 18.11.2021, Annex A.

*Live broadcast ended at 9.40 pm*

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

Proposed by Councillor Brown  
Seconded by Councillor Colvin 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 P169/21 to P175/21.

### **Matters for Decision**

P164/21 Planning Applications for Determination – LA09/2021/0224/F  
P169/21 Receive Response to DfI on DPPN 11  
P170/21 Receive Revocation Report  
P171/21 Receive Enforcement Report

### **Matters for Information**

P172/21 Confidential Minutes of Planning Committee held on 2 November 2021  
P173/21 Enforcement Live Case List  
P174/21 Enforcement Cases Opened  
P175/21 Enforcement Cases Closed

## **P176/21 Duration of Meeting**

The meeting was called for 7 pm and concluded at 10 pm.

Chair \_\_\_\_\_

Date \_\_\_\_\_

## **Annex A – Introductory Remarks from the Chairperson**

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

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

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

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

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

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





## **ADDENDUM TO PLANNING COMMITTEE AGENDA**

**FOR PLANNING COMMITTEE MEETING ON: 7 December 2021**

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

### **Chairs Business**

Receive letters from DEARA in relation to Consultations on Planning Applications

Receive letter from DFI Planning in relation to Draft Plan Strategy

<b>ITEM</b>	<b>INFORMATION RECEIVED</b>	<b>ACTION REQUIRED</b>
4.8	Objections received have not been considered.	Defer to allow consideration of objections and notification of amended scheme.
4.9	Objections received have not been considered.	Defer to allow consideration of objections and notification of amended scheme.
4.23	Additional letter in support and objection received	Members to note
5.1	Site plan with existing and proposed levels	Substitute drawing 02/1 bearing the stamp dated 30-NOV-2021 instead of drawing No 02 in conditions 2 and 3 and remove condition 4.
5.7	Agent has written to confirm the application is now withdrawn	Members to note
5.8	Agent has informed us of a misspelling of the applicant's surname which is correct on P1 form as Mr Raymond Paine	Members to note
5.9	Additional Objection received	Members to note and consider

**Closed Business-** Members are advised that LA09/2021/0014/CA Unauthorised mobile home and hardstanding to the rear of 17 Drumrot Road, Moneymore, Londonderry, BT45 7QH has been removed from the Enforcement Agenda. More information is required before proceeding to Notice.







Department of  
**Agriculture, Environment  
and Rural Affairs**  
[www.daera-ni.gov.uk](http://www.daera-ni.gov.uk)

Name  
Address/Email Address

**Natural Environment Division**

3<sup>rd</sup> Floor  
Klondyke Building  
Cromac Avenue  
Gasworks Business Park  
Malone Lower  
Belfast  
BT7 2JA

Telephone: 028 90 650207

Email: [Planningresponse.team@daera-ni.gov.uk](mailto:Planningresponse.team@daera-ni.gov.uk)

Your reference:  
Our reference:

Date: 8 November 2021

Dear [HEAD PLANNER]

**DAERA ACTIONS TO IMPROVE PLANNING CONSULTATION DELAYS AND TEMPORARY IMPACT ON CASELOAD MANAGEMENT PRACTICES.**

The purpose of my writing to you at this time is twofold: to provide you with an update in relation to the actions which the Department, as a Statutory Consultee in the planning process, is taking to improve our planning consultation response times, and consequently advise you of the temporary impact of these actions on a number of caseload management practices currently in operation.

Over the last 6 to 8 months the Department has been experiencing an increasing trend in the number of planning consultations being submitted to DAERA in our role as a Statutory Consultee; data provided by DfI in their most recent Northern Ireland Planning Statistics Bulletin for the first quarter of 2021/22 supported this position of increased levels of planning activity. While interventions undertaken in the earlier part of 2021 demonstrated that NIEA had significantly improved our performance, the Department recognises that this improvement is now in reverse and backlogs are accumulating.

The Department is taking a number of actions to address this situation with the aim of reducing the backlog over the coming months including the redeployment of staff and additional casual workers being secured. Nonetheless a significant contributory factor in the escalation of the backlog has been the large volume of queries from planners, agents and citizens alike seeking updates and prioritisations in relation to specific applications,

**Update Requests**

Since 1 January 2021 NIEA has dealt with approximately 1,750 update requests for information in addition to the number of direct phone calls and e-mails that case officers continue to receive. As I'm sure you can appreciate, only the specific case officer dealing with the consultation can evaluate the estimations of response times associated with these types of request, consequently this diverts their time away from processing actual responses.

**Action One:** To maximise the time case officers spend on assessing and responding to consultations, from **8 November 2021** DAERA will no longer provide indicative response times for any consultation until further notice.

While the Department recognizes the negative impact this action may have on our communications messaging it is hoped that the redirection of effort on the actual processing of consultations will yield an immediate impact on improving our statutory consultation return rates and response times; the ability to reduce the backlog will in turn reduce the number of such queries arising.

### **Prioritisation Requests**

As Head Planners you will be familiar with the competing priorities in relation to the processing of a range of applications within your Planning Authority at any given time. To assist with these competing demands NIEA has provided a mechanism whereby requests can be made via yourselves to prioritise particular planning applications; over the past year the Department has received an ongoing and wide range of such types of requests. Although it was intended that this mechanism should only be used in exceptional circumstances, as there could be equality implications, we are receiving numerous requests for prioritisation per week which given our current resourcing level cannot be accommodated.

**Action Two:** To maximise the time case officers spend on assessing and responding to consultations and to consider whether a more robust prioritisation process could be developed, from **8 November 2021** DAERA will not be accommodating any prioritisation requests until further notice.

Similar to Action One above, it is hoped that concentrated focus on the actual processing of consultations within these competing demands will yield an immediate impact on improvements in our performance. The cumulative effect of both of these actions will in itself provide a more consistent framework for delivery thereby reducing the backlog which will in turn reduce the number of such queries arising.

### **DAERA Webpage Alert**

To assist with the Departments communication around these temporary arrangements, an advisory message has been uploaded onto the DAERA webpage. This advises all users of our service that the Department has implemented a number of actions to improve our performance and we anticipate these steps will enable us to respond to our current backlog within the next **16 weeks**. The Department has consequentially taken the decision that we will no longer be providing responses to any requests for updates or prioritisations until further notice.

This is the standard departmental response that will be issued for the next 16 weeks should any update or prioritisation request be sought.

**Action Three:** A message has been uploaded onto the DAERA webpage advising customers of our actions; a copy of this message has been attached at Annex A for information.

As one of the major consultees in the planning process providing advice on a wide range of technical and environmental areas to support planning authorities, DAERA recognises the need to deliver in relation to our performance rate. With competing priorities for staff time it is essential that the actions above are taken to provide a more consistent daily framework to maximise the time case officers are spending on assessing and responding to planning consultations.

Thank you for your cooperation and patience as we adopt these measures to improve our performance rate.

Yours sincerely,

**MARK HAMMOND**  
**Head of Natural Environment Division Operations**

DAERA-10-10-10



**Natural Environment Division - Planning Consultation Update**

DAERA wish to alert all customers that we are currently experiencing a very heavy workload resulting in delays to planning consultation responses. The Department has implemented a number of actions to improve our customer service and to enable us to address our current backlog.

Providing indicative response times for inquirers diverts resource from making responses to consultations, the large volume of these are therefore slowing down our ability to respond. We appreciate the concerns of those waiting for responses so we will be focussing all resources **on making responses asap** rather than using resource to indicate when responses are anticipated.

**The Department has consequentially taken the decision that it will no longer be providing responses to any requests for updates until further notice.**

We acknowledge the delays in the current process and appreciate your cooperation and patience as we seek to address this situation and improve performance rates.



From the Office of the  
Minister of Agriculture,  
Environment and Rural Affairs



Department of  
**Agriculture, Environment  
and Rural Affairs**

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Ms Anne Donaghy  
Clerk & Chief Executive  
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Telephone: 028 9052 4140  
Email: [private.office@daera-ni.gov.uk](mailto:private.office@daera-ni.gov.uk)

Your reference: AD/KM  
Our reference: CORR-0253-2021  
Date: 2 March 2021

Dear Ms Donaghy

### **NIEA Operational Policy on Ammonia Emitting Projects**

Thank you for your letter dated 18 February 2021 requesting an update on the Department's operational protocol for assessment of air pollution impacts. Unfortunately the Department was not able to publish a consultation before the end of last year. However, as advised by Minister Poots, work on the draft NI Ammonia Strategy is in its final stages of preparation and it is still the intention of my Department to consult on this important issue as soon as possible.

With regards to the reconsultations which have outstanding DAERA responses, I am aware of the frustration and distress that delays in the planning system can have on applicants. The Department is currently considering these cases and we will endeavor to respond as quickly as possible. I note, however, that it is within the planning authorities' power to determine these applications without further input from my Department.

Yours sincerely

**GORDON LYONS MLA**  
**Minister of Agriculture, Environment and Rural Affairs**

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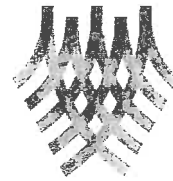
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**Mid & East  
Antrim**  
Borough Council

Ref: TC/ab/NR

5 July 2021

Sent via email: [private.office@daera-ni.gov.uk](mailto:private.office@daera-ni.gov.uk)

Minister Edwin Poots MLA  
Department of Agriculture, Environment and Rural Affairs  
Dundonald House  
Upper Newtownards Road  
Ballymiscaw  
Belfast  
BT4 3SB

Dear Minister Poots

**Re: NIEA Operational Policy on Ammonia Emitting Projects**

At the June Full Council meeting, Elected Members agreed to write to you as Minister for Agriculture, Environment and Rural Affairs to get an update on your undertaking to progress a review of the operational policy for ammonia emitting projects. Council understands that the draft NI Ammonia Strategy is in the final stages of preparation and looks forward to the public consultation.

Council recognises there are a number of outstanding consultations with NIEA in relation to a number of intensive farming planning applications. In order for planning authorities to satisfy themselves that all risks to the environment have been properly considered, it is necessary to consult with NIEA who, as a statutory consultee, have a duty to provide a substantive response within 21 days.

NIEA consultation responses routinely advise that if the Natural Environment Division is to be re-consulted following the submission of additional information, the appropriate assessment undertaken by the competent authority should be included. However, when re-consulted NIEA is failing to respond.

In the absence of a substantive reply, Councils are unable to ascertain NIEA's position in its role as a Statutory Nature Conservation Body and any decisions taken by local authorities without further input from NIEA would therefore be at risk of legal challenge. NIEA has a statutory responsibility to provide timely responses and I would encourage you to instruct your officials to respond to the outstanding consultations without further delay.

Please reply to:

**Head Office**  
The Braid  
1-29 Bridge Street  
Ballymena BT43 5EJ

Tel: 0300 1245 000

**Ballymena Office**  
Ardeevin  
80 Galgorm Road  
Ballymena BT42 1AB

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**Carrickfergus Office**  
Museum & Civic Centre  
11 Antrim Street  
Carrickfergus BT38 7DG

**Larne Office**  
Smiley Buildings  
Victoria Road  
Larne BT40 1RU

**Planning Office**  
Silverwood Business  
Park  
190 Raceview Road  
Ballymena  
BT42 4HZ

Chief Executive OBE  
Anne Donaghy

I would also welcome a meeting at a suitable time to discuss the draft NI Ammonia Strategy.

Yours sincerely



**Ms Anne Donaghy OBE**  
**Clerk & Chief Executive**

Please reply to:

■ **Head Office**  
The Braid  
1-29 Bridge Street  
Ballymena BT43 5EJ

Tel: 0300 1245 000

□ **Ballymena Office**  
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Chief Executive OBE  
Anne Donaghy

**From the Office of the  
Minister of Agriculture,  
Environment and Rural Affairs**



Department of  
**Agriculture, Environment  
and Rural Affairs**

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Our Ref: INV-0401-2021  
Your Ref: TC/ab/NR  
Date: 29 July 2021

Dear Ms Donaghy

**MEETING TO DISCUSS DRAFT AMMONIA STRATEGY AND NIEA OPERATONAL  
POLICY**

Thank you for your letter of 5 July 2021 requesting a meeting to discuss the draft Northern Ireland ammonia strategy and NIEA operational policy.

I would be pleased to meet with you and the members of Mid and East Antrim Borough Council to discuss these issues

My Diary Secretary, Lauri Hutton, will contact you in due course to make the necessary arrangements.

Yours sincerely

**EDWIN POOTS MLA**  
**Minister of Agriculture, Environment and Rural Affairs**



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Edwin Poots MLA  
Minister of Agriculture, Environment and Rural Affairs

E mail: [private.office@daera-ni.gov.uk](mailto:private.office@daera-ni.gov.uk)

12 October 2021

Dear Minister Poots,

**NIEA Operational Policy on Ammonia Emitting Projects**

I would like to thank you for taking the time to meet with Council on the 13 September 2021 to discuss your Department's review of the operational policy for ammonia emitting projects and of the progress on NIEA clearing a backlog of outstanding planning consultations.

At this meeting, you advised that the Habitats Directive did not apply to Northern Ireland, and that your Department was seeking legal advice on this matter from the Attorney General.

The Directive was transposed into domestic law i.e. **Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995**, and to ensure that the regulations remain operational after the EU transition period, changes were made by the **Conservation (Natural Habitats, etc.) (Amendment) (Northern Ireland) (EU Exit) Regulations 2019**.

In December 2020, your Department published guidance explaining The Conservation (Natural Habitats, etc.) (Amendment) (NI) (EU Exit) Regulations 2019, which clarified that the obligations within the Directive have not changed, can you clarify your statement that the Directive no longer applies to Northern Ireland?

You also indicated at the meeting that you were taking legal advice from the Attorney General on the outstanding planning consultations and this was the rationale for the delay. I would like ask to what exactly you are taking legal advice on in respect to these outstanding consultations.

Finally, can you could provide a timeline for the completion of the review of the operational policy for ammonia emitting projects and publication of the draft NI Ammonia Strategy for public consultation. Shared Environmental Services is keen to

Please reply to:

☐ **Head Office**  
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Park  
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BT42 4H2

Chief Executive OBE  
Anne Donaghy

Tel: 0300 1245 000

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Antrim**  
Borough Council

work collaboratively with DAERA to deliver a comprehensive approach to the reduction of ammonia levels across Northern Ireland and encourage the sustainable growth of the Agri-food business.

Yours sincerely

**Nicola Rowles**  
**Director of Development**

Please reply to:

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Our Ref: CORR-1096-2021  
Date: 21 October 2021

Dear Ms Rowles

### **NIEA Operational Policy on Ammonia Emitting Projects**

Thank you for your correspondence of 12 October 2021. I will address each of your queries in order.

I can confirm that since our last meeting I have met with the Attorney General. I am currently considering her advice.

As I have previously stated I am aware of the frustrations and stress delays in the planning system cause for applicants. However, it remains within the power of the planning authorities to determine the outstanding reconsultations without further advice from my Department.

With regard to the time line on the publication of the draft Northern Ireland Ammonia Strategy and public consultation, it remains my desire to consult on the strategy soon.

I welcome the commitment to work collaboratively on this important subject and to deliver a comprehensive approach to the reduction of ammonia levels across Northern Ireland.

Yours sincerely

**EDWIN POOTS MLA**  
**Minister of Agriculture, Environment and Rural Affairs**







# OAKLAND VILLAS RESIDENTS

15 NOV 2021

In response to Planning application LA09/2021/0146/0, Oakland Villas residents would like some views and concerns to be raised and considered at the planning meeting. Whilst we do not have any major issue with the infill site location, we do not support the current scheme design on the basis of the access through Oakland Villas to the proposed site.

## CONCERNS

- Existing traffic from site (Builders yard?) has not been utilized through Oakland Villas as stated in the application. (Picture A)
- No consideration for residents has been made within the existing application. Parking is already tight within Oakland Villas without losing more space to further access.
- Heavy construction traffic may not be able to access the proposed site when vehicles are parked.
- Heavy construction traffic may cause damage to existing kerbing, ironwork and surfacing.
- Increased site traffic will cause an increased danger to residents who cross the existing road to access the green area.
- Existing concrete laneway access from the main road has not been considered as an alternative access to the proposed infill site application. (Picture B)
- A part of Greenspace and Mature trees within Oakland Villas has already been removed recently to achieve access to the proposed site. (Pictures C + D)

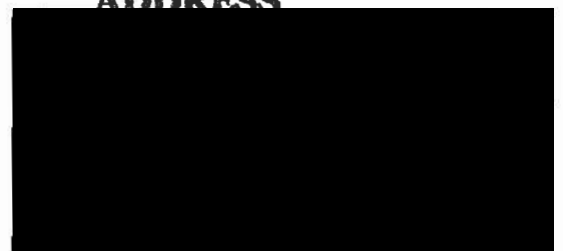
## PROPOSALS

The residents of Oakland Villas propose that the above concerns be addressed prior to approval for the current application. We reiterate that we do not object to the placement of the proposed infill site but have major concerns about the access proposed. Particularly the increased heavy traffic causing damage and safety risk to residents during the construction phase.

## SIGNED

Zandra Morgan  
Uel Carson  
SIRBATIVE  
Q. Williams

## ADDRESS





**Minutes of Meeting of the Development Committee of Mid Ulster District Council  
held on Thursday 8 December 2021 in the Council Offices, Circular Road,  
Dungannon and by Virtual Means**

**Members Present**

Councillor Molloy, Chair

Councillors Ashton\*, Black, Burton\*, Clarke\*, Corry\*, Cuddy,  
Elattar\*, Kerr\*, McNamee\*, Milne\*, Monteith\*, and Quinn\*

**Officers in  
Attendance**

Mr McCreesh\*\*, Chief Executive  
Ms Campbell, Strategic Director of Environment  
Mr Browne, Head of Tourism  
Mr Gordon, Assistant Director of Health, Leisure and  
Wellbeing  
Mr Hill\*\*, Head of Parks  
Ms Linney\*\*, Assistant Director of Development, Strategic  
Community Development  
Mr McCance, Head of Culture & Arts  
Ms McKeown\*\*, Assistant Director of Economic  
Development, Tourism & Strategic Programmes  
Mr Brown, ICT Support  
Mrs Forde, Member Support Officer

**Others in  
Attendance**

Cllr D McKinney\*\*\*

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

**D211/21 Chair's Business**

The Chair, Councillor Molloy said he had been approached by residents of the district who were elderly and had asked if steps could be put into the shallow pool end of the pool in Dungannon. He said although there was hoists some people did not require that level of assistance just a more accessible way of entering the water for example steps.

Proposed by Chair, Councillor Molloy  
Seconded by Councillor Monteith and

**Resolved** That it be recommended to Council that officers explore the possibility of increased access for those with mobility issues and not requiring a 'lift' but needing a more accessible way to enter the water - for example steps.

The Chair Councillor Molloy drew attention to Covid passes being required at hospitality establishments and said he had received reports about staff being verbally abused by members of the public in relation to the issue. The Chair, requested that the public be mannerly when staff at hospitality establishments were only doing their job.

The Chair, Councillor Molloy extended best wishes to Michael Browne and Nigel Hill who were both leaving the Council and thanked them for the work they had done and wished them well for the future.

Councillor Monteith concurred.

Councillor Burton referred to the matter of Covid passes and said that as Chair of the Tourism Group she had been inundated with reports of staff left in tears on the issue. She said that there was a lot of frustration regarding the matter and it had also been raised at Environment Committee. She said that through the Tourism Whatsapp group they were endeavoring to support establishments but it was difficult times.

Councillor Burton also wished Michael and Nigel well for the future together with other colleagues who were moving on.

Councillor Quinn concurred with previous comments extending best wishes to Michael and Nigel for the future.

Councillor Kerr concurred.

Councillor Milne also extended best wishes to Michael and Nigel and thanked them for all they had done in the past.

Councillor Clarke said both officers had made great progress and brought expertise to their area he said the changes in their sectors bears testimony to their success. He highlighted great progress in their area of expertise and wished both well. He said the changes in their sector bears testimony to their success.

Councillor Cuddy added best wishes on behalf of the UUP. He said both had big personalities and their expertise and professionalism had been an asset to Mid Ulster.

Michael thanked Members for their kind words and said that across his 37 year career in local government the last 7 years had been the most rewarding. He said it had been a pleasure to watch and contribute to Mid Ulster blossoming as a district. He wished his colleagues staying on all the best with future careers and concluded wishing Members all the best for Christmas and the future.

Nigel reiterated Michael's comments and stated that he too had enjoyed his career and the support of Members, directors and colleagues in new Council and whilst challenging

on occasions it had been great to see improvements. He concluded saying he wished everyone well for the future and would keep an eye on things!

#### **D212/21      Apologies**

Councillor Doris, Hughes and Wilson

#### **D213/21      Declarations of Interest**

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

Councillor Monteith declared an interest in Agenda Item: 7 Community Development Ballysaggart Area Community Association

Councillor Cuddy declared an interest in in Agenda Item: 7 Community Development Aughintober Regeneration

Councillor Clarke declared an interest in in Agenda Item: 7 Community Development Broughderg Area Development Association

Councillor Quinn declared an interest in in Agenda Item: 7 Community Development Derrytresk Community Projects

Councillor Corry declared an interest in Agenda item 5 Seachtain na Gaeligle and agenda item 12 Moydamlaght Forest Project

#### **D214/21 Deputation**

The Chair, Councillor Molloy welcomed Mr Beatty, Clogher Valley Rugby Club to the meeting. Mr Beatty made presentation to the Committee giving an overview of the Clubs work to date and project aspirations.

The Chair Councillor Molloy thanked Mr Beatty for the presentation noted the ambition and superb work to date and invited Members questions.

Cllr Monteith commended the club on their work and presentation.

Councillor Burton welcomed the presentation and stated that being a Clogher Valley Councillor she had been devastated that funding opportunities had not materialized and stated that she was delighted that the Club had continued their efforts to progress. She highlighted that the people, businesses and organisations of the Clogher Valley would work in co-operation and highlighted the Youth Annex as an example of buy in also from Fermanagh and Omagh. She said that officers would endeavor to promote co-operation at every opportunity possible. Councillor Burton also highlighted that the population of the Clogher Valley had a high percentage of elderly people and it was good to see ideas incorporated in the plan. She concluded that it was excellent that the project was spade ready should a funding opportunity present itself.

Mr Beatty said that the Club also does a lot of work with mental health charities as they had sadly lost a member to suicide. He also highlighted that there was a lot of loneliness in the older end of the population.

Councillor Kerr commended the club on the presentation, progress to date and their engagement with mental health charities.

Councillor Cuddy said he was a rugby enthusiast and had played with Dungannon. He said it had been great to see Clogher Rugby Club forming back in the 1990s and how they had progressed. He acknowledged their difficulty being on the fringe of the district and said that Councillor Graham the UUP representative in Clogher Valley would work with them to endeavor to progress the project.

Mr Beatty said the club had been formed in 1990 and they had recently added two teams, they had a ladies team and 'rugby bees' for 3 years up. He said they had a facebook page and website and would simply not survive without the community and they wanted to give back to them.

The Chair, Councillor Molloy thanked Mr Beattie for the presentation and said Council would assist however they could.

## **Matters for Decision**

### **D215/21      Seachtain na Gaeilge 2022**

The Head of Culture and Arts presented the previously circulated report that regarding a call for Expressions of Interest from interested groups and individuals seeking to deliver activities and projects designed to encourage and promote use of the Irish Language as part of Seachtain na Gaeilge 2022.

The Head of Culture and Arts sought approval to progress the recommendations outlined in the report.

Councillor McNamee proposed the recommendation and commended Seachtain na Gaeilge on their 120<sup>th</sup> anniversary saying it was a tremendous milestone.

Proposed by Councillor McNamee  
Seconded by Councillor Monteith and

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

- (i)      reallocation of budgets as presented in the Action Plan approved by Council in July 2021, (i.e. to increase the Seachtain na Gaeilge 2022 allocation by £4,500 and to reduce the schools Irish Language and Heritage Programme by £4,500); and
- (ii)     progress the call for Expressions of Interest to be issued inviting submissions from interested groups and individuals seeking to deliver activities and projects designed to encourage and promote use of the Irish Language as part of the 120<sup>th</sup> anniversary of the Seachtain na

Gaeilge programme in March 2022 with a revised budget allocation of £7,500

**D216/21      Community Access and Inclusion - Accessible Outdoor Seating Benches Support**

The AD: D,SCD presented the previously circulated report regarding the Department for Communities Community Access and Inclusion Programme and sought agreement to deliver accessible benches to community facilities within the remit of the programme. Approval was also sought to seek quotation for the accessible benches.

In response to Councillor Corry's query the AD: D,SCD advised that should the programme be oversubscribed officers will explore both criteria and further funding options to deliver.

In response to Councillor Kerr's query the AD: D,SCD clarified that the benches would be accessible and stipulated criteria would be met.

Councillors Quinn and Clarke welcomed the project and commended officers on progress to date.

The AD: D,SCD commended the Head of Culture and Arts on the report.

Proposed by Councillor Corry  
Seconded by Councillor Kerr and

- Resolved**      That it be recommended to Council to
- (i)      Participate in the DfC Community Access and Inclusion - Accessible Outdoor Seating Benches Support scheme and deliver the Accessible benches support within the remit of the programme; and
  - (ii)      Seek quotation for the accessible benches.

**D217/21      Community Development**

The AD: D,SCD presented the previously report to provide an update on key activities and sought approval for the following

- Community Grants - to agree the rolling grant awards - Local Community Festivals,
- Good Relations and Decade of Anniversaries
- Emergency Support funding – to approve the venue/facility funding support awards; and
- Community Development - to update on Community Development.

*Declaration of Interest*

Councillor Burton declared an interest in the Bawn Community Groups as family were members.

- **Community Grants**

Proposed by Councillor Elattar  
Seconded by Councillor McNamee

**Resolved** That it be recommended to the Council to approve Community Festivals grant from rolling programme for 2 applications received and totalling £1440 as detailed in appendix 1 of the report.

- **Emergency Support funding**

Proposed by Councillor Kerr  
Seconded by Councillor McNamee

**Resolved** that it be recommended to Council to approve Emergency Support funding – In partnership with Department for Communities. The total allocation of grant awards totalling £118,056 as detailed in Appendix 2 of the report.

- **Community Development - to update on Community Development.**

**Resolved** That it be recommended to Council to note the update on Community Development.

## **D218/21 Mid Ulster District Council Heritage Strategy**

The AD: D,SCD presented previously circulated report to update Members on proposals to engage external support to develop a five year Heritage strategy for Mid Ulster District Council.

Councillor Corry said she would be delighted to propose the recommendation and said there was a lot of small sites which through time may have been damaged, she also said that townland names should be retained and there was much scope within a heritage package and the strategy was much needed.

In response to Councillor Quinn's query the AD: D,SCD said initially it would be a heritage strategy but long term it would take account of arts, culture, community and further strategies would be taken on board.

Councillor McNamee said that there had been discussions in the past regarding Ardboe Cross and means to protect its structure. He said that apparently there was a crack across the circle of the cross.

In response the Head of Culture and Arts said that Historic Buildings Division were aware of the situation but he would engage with them for a further inspection for the site.

**Resolved** That it be recommended to Council to make contact with Historic Environment Division to request an inspection of Ardboe Cross in light of the appearance of further cracks in its structure.



Councillor Burton said there was a number of remains of Castles throughout the area and spoke of being at Lumfords Glen and seeing the old stone signpost for Omagh Road. She also made mention of the railway discussed at the November committee and said she would welcome many of these projects being brought back to committee. She said she had had calls from residents who had picked up with ABC Council regarding their work with railways and it would do much for the area to further develop the heritage sector.

Councillor Cuddy requested an update on the two tunnels in Dungannon.

In response the SD: Environment said that the Head of Parks had brought a report the previous month and that officers had engaged with DfI Roads and discussions were in progress and a further update would be provided early 2022.

In response to Councillor Cuddy's enquiry regarding the smaller tunnel in Dungannon that would link Dungannon Park and Windmill Wood the SD: Environment said that the matter was being followed up with NI Water.

Proposed by Councillor Corry  
Seconded by Councillor Quinn and

**Resolved** That it be recommended to Council to procure support to develop a five year Mid Ulster District Council Heritage Strategy and to approve allocation of up to £15,000 from existing 2021/22 budgets within Culture & Arts Services;

#### **D219/21 School Sports Facilities Access Grant**

The AD: HLW presented previously circulated report and sought approval to allocate schools sports facilities access grants as detailed.

Members noted access of £8850 had been derived from underspend in other sport programmes

In response to Councillor Ashton's enquire the AD: HLW referred to appendix two of the report which outlined details as to why applications had not met the criteria and advised one had not demonstrated community use the other had not met criteria for school use.

Councillor Ashton said that opening up schools estates for community use was something she was very keen on and stated that Council and Members in their areas should endeavour to bring more projects forward post lockdown.

The Chair, Councillor Molloy concurred saying that this should be progressed and duplication of facilities avoided. He also said it was excellent for schools to be opened after hours and Council may need to look for further funding.

Councillor Burton said some schools were very old but concurred that Council needed to work further with the community especially in areas like Clogher and Caledon to be able to provide more sporting opportunities.

Proposed by Councillor Ashton  
Seconded by Councillor Burton and

**Resolved** That it be recommended to Council that further projects be explored and developed with the Department of Education to open up schools estate for community and sports use outside of school hours.

Proposed by Councillor Ashton  
Seconded by Councillor Burton and

**Resolved** That it be recommended to Council to award School Sports Facilities Access Grants to:

- (i) Cookstown Hockey Club: Application to be funded at £4,500;
- (ii) Dungannon Ladies Hockey: Application to be funded at £4,500;
- (iii) Errigal Ciaran GAC: Application to be funded at £2,800;
- (iv) St. Mary's Primary School, Pomeroy: Application to be funded at £4,050;
- (v) St. Oliver Plunkett GAC: Application to be funded at £3,000

#### **D220/21 Sports Representative Grants**

The Assistant Director Health, Leisure & Wellbeing presented previously circulated report to present to Members the proposed community grant allocations for the Sports Representative Grant - Team and Individuals (November 2021).

Proposed by Councillor Kerr  
Seconded by Councillor Clarke

**Resolved** That it be recommended to Council to note the contents of the report and grant approval for the sports grant allocations as recommended to the value of one Individual £200.

#### **D221/21 Northern Ireland Forest Schools Awards Scheme**

The Head of Parks presented previously circulated report regarding the NI Forest Schools Awards scheme and sought approval to register and engage with Northern Ireland Forest Schools Association (NIFSA) to develop a schools programme in Mid Ulster District Council area for an extended two year programme 2021 – 2023.

Councillor McNamee proposed the recommendation.

Councillor Burton welcomed the project and said it was budget well spent.

Councillor Corry said it was a great programme but as she had requested last year also she would like to see more participation in the Derry side of the district.

In response the Head of Parks said they were happy to roll out the project but it required resources. He said Council could engage with schools and also that there was a shortlist

of schools which he would check where they were from and update the Member. He concluded that Covid had presented its difficulties but with virtual events and social distancing the programme had continued.

**Resolved** That it be recommended to Council that officers explore the further development of the NI Forest Schools Award Scheme to include schools in the north of the district.

Proposed by Councillor McNamee  
Seconded by Councillor Burton

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

- (i) Register Mid Ulster District Council with Northern Ireland Forest Schools Association and continue with a programme to engage local schools and youth groups to embrace local parks and greenspace where feasible across the district; and
- (ii) To provide a shared contribution of £6,000 per annum towards programme support costs (subject to available resources) from the 2021/22 budget and subject to approval of the 2022/23 budgets, funded by the Culture & Arts and Parks Departments of Mid Ulster District Council.

#### **D222/21 Moydamlaght Forest Project**

The Head of Parks presented previously circulated report seeking Council approval to engage a suitably qualified ICT Team to carry out site scoping and survey works linked to the development and public access to Moydamlaght Forest.

Councillor Clarke proposed the recommendation and said he was involved with tourism partnership and said this would be a great asset to the proposed walking festival and welcomed the improvements.

Councillor Elattar welcomed the work and seconded the proposal.

Proposed by Councillor Clarke  
Seconded by Councillor Elattar

**Resolved** That it be recommended to Council to progress tender and procure the necessary ICT Team to carry out all associated site scoping and survey works on lands linked to the Moydamlaght Forest project at an estimated cost of £15,000. The budget is identified under MUDC Capital Programme 2020-2024 as part of the Outdoor Recreation Strategy subject to Council approval of annual capital budget allocations.

#### **D223/21 Requests for Support**

The Assistant Director Health, Leisure & Wellbeing presented the previously circulated report updating Members of requests for support for aspirational projects at Castlecaulfield pitches and Clogher Valley Rugby Club.

Councillor Cuddy welcomed the initiatives and said that it was important to bring Castlecaulfield up to standard and this would be a move in the right direction. In relation to Clogher Valley Rugby Club Councillor Cuddy said his thoughts would be that they were looking more than a letter. Councillor Cuddy said Clogher Valley situation should be further explored in closed business.

Councillor Burton said that Castlecaulfield had done a great work with young people and anything Council could do to progress should be supported. With regard to Clogher Valley Rugby Club she said a lot of people using the facility in the future pay their rates to Mid Ulster and she would hope that support would be more than a letter. She said that they may need help putting applications together and she would like to see this progressing.

Proposed by Councillor Burton  
Seconded by Councillor Black

**Resolved** That it be recommended to Council to grant approval to officers

- (i) Assist the stakeholders involved with Castlecaulfield and provide support in developing an overall masterplan for the Castlecaulfield site;
- (ii) Providing a letter of support to Clogher Valley Rugby Club and work with them to help secure any grant funding they could apply to in the future and invite club representatives to attend a future Development Committee to make a presentation.

#### **D224/21 Fairhill Bowling Pavilion**

The Assistant Director Health, Leisure & Wellbeing presented the previously circulated report providing information on the Fairhill Bowling Pavilion, Cookstown and to seek approval for temporary works pending a full review of the Fairhill facility.

Councillor McNamee proposed the recommendation.

Councillor Cuddy seconded the recommendation saying that Councillor Wilson had put a lot of work into progressing improvements,

Proposed by Councillor McNamee  
Seconded by Councillor Cuddy

**Resolved** That it be recommended to Council to give approval for Officers to commission a procurement process and install temporary modular changing accommodation on site at Fairhill Bowling Pavilion pending outcome of the condition survey and business case development for the Fairhill facilities subject to agreement of inclusion in the 2022/23 rates estimates process.

## **D225/21      Feasibility Studies into the Development of Community Trails at Cabin Wood and Tullyhogue**

The Head of Parks drew attention to the previously circulated report seeking approval to work with Outdoor Recreation NI in the production of Feasibility Studies into the development of Community Trails at Cabin Wood and Tullyhogue.

Councillor McNamee proposed the recommendations stating it was a great opportunity to open up trails.

Proposed by Councillor McNamee  
Seconded by Councillor Cuddy

**Resolved**      That it be recommended to Council to progress with the partnership arrangement with ORNI for the completion of Feasibility Studies for the creation of Community Trails at Tullyhogue and Cabin Wood with a council contribution/match funding of £6,400; budget identified under MUDC Capital Programme 2020-2024 as part of the Outdoor Recreation Strategy subject to Council approval of annual capital budget allocations.

## **D226/21      Economic Development OBFD**

The Assistant Director of Economic Development, Tourism & Strategic Programmes presented previously circulated report to provide members with an update on key activities and sought approval for the following:

- **Economic Recovery: Sub-Regional Development Funding from Invest NI**  
A new call has opened from Invest NI regarding an Economic Recovery: Sub-Regional Development Funding stream. Invest NI has now secured funds to support research to be undertaken by Councils, for the economic benefit of their sub-region. It was noted that the call opened on 3 November and closed on 19 November 2021.

Proposed by Councillor Kerr  
Seconded by Councillor Cuddy

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

- (i)      Sub Regional Development Funding from Invest NI – Mid Ulster Economic Growth and Recovery Plan 2022-26
  - Retrospectively approve Council's bid to Invest NI, totalling £25,000 to carry out a Mid Ulster Economic Recovery and Growth Plan 2022-2026 and commit funding in the region of £5000 towards the initiative, if required, from Councils economic development budget.
  - Grant approval to officers to issue an invitation to quote on an 'at risk' basis to procure an organisation to undertake and complete all work by end of February/early March 2022 at a cost of up to £25,000 (including expenses and excluding VAT);

- In the event Council receives a funding offer from Invest NI, to approve delegated authority be awarded to the Chief Executive to accept the Letter of Offer and proceed immediately to appoint the successful organisation to carry out the assignment.
- (ii) Retrospectively approve Council's participation in four additional Council Collaborative bids, and approve a financial contribution towards these in the region of £10,000 if required, from Council's economic development budget. Final details on match funding requirements to be provided to Committee once confirmed by the Lead Councils, subject to success of bids as outlined in the report; (a) Review of Agri-Food Producers and Markets; (b) Scoping New and Emerging Funding Opportunities; (c) Revised Business start up Approach and (d) Place based approaches to supporting economic development.

- **Renewal of Membership with NI Chamber of Commerce 2022**

Proposed by Councillor Clarke  
Seconded by Councillor Milne

**Resolved** That it be recommended to Council to approve Corporate Membership of NI Chamber of Commerce costing £3000 + vat for the period of 1 January 2022 to 31 December 2022.

- **Mid Ulster Gift Card:**

The AD: EDT&SP advised that £2k would be utilised purchasing 20@£100 gift cards for Council facebook competition winners and the remaining £3k spent on distributing gift cards across the 11 recognised food banks that Council's community development team work with.

Proposed by Councillor Clarke  
Seconded by Councillor Milne

**Resolved** That it be recommended to Council to approve up to £5000 from the economic development budget be used to purchase Mid Ulster Gift Cards this Christmas to benefit local citizens and distribute these through formal mechanisms with immediate effect.

- **Tourism Promotional Videos & Imagery**

Proposed by Councillor Clarke  
Seconded by Councillor Milne

**Resolved** That it be recommended to Council to approve the development of a series of promotional tourism videos and imagery at a cost in the region of £20,000 (excluding Vat) from Council's existing economic development

budget and permit officers to proceed immediately seek competitive quotations for same.

- **Hospital Roundabout, Dungannon**

Proposed by Councillor Clarke  
Seconded by Councillor Milne and

**Resolved** That it be recommended to Council approve that initial landscaping works be commissioned at the Hospital Roundabout, Dungannon to give this Gateway feature a much needed facelift. It is anticipated that this phase of the works will cost in the region of £20,000 and be funded from Council's economic development budget in 2021/22 to allow the Technical Services Team to initiate work on the scheme.

- **Town Centre Cleansing**

Proposed by Councillor Clarke  
Seconded by Councillor Milne and

**Resolved** That it be recommended to Council approve and progress procurement exercise and appoint a suitable company to undertake a deep cleanse of the 5 largest town centres, at a cost of approximately £15,000 from the existing economic development budget.

- **Mid Ulster Business WhatsApp Platform**

Proposed by Councillor Clarke  
Seconded by Councillor Milne and

**Resolved** That it be recommended to Council to approve and progress procurement exercise to appoint a company to undertake the development of a new Mid Ulster Business Whatsapp Platform, costing in the region of £25,000 over a 3 year period (1+1+1) with funding from Council's economic development budget.

- **Cookstown Saturday Market**

Proposed by Councillor Clarke  
Seconded by Councillor Milne and

**Resolved** That it be recommended to Council to approve to procure and appoint a suitable company to conduct a Scoping Study and Comprehensive Action Plan to revitalize Cookstown's Saturday Market, costing in the region of £28,000 to be funded from Council's economic development budget.

*Declaration of Interest*

Councillor Kerr declared an interest in Coalisland Food Bank.

Councillor Kerr also asked if roundabout improvements could be widened out to other areas as many had not received attention for some time.

Councillor Monteith said whilst he welcomed improvements in Dungannon he would support the improvements across the district to include town cleansing. He said that the project for Dungannon should be as wide as possible highlighting areas such as top of Donaghmore Road and Shambles Lane which were access routes to the town but received little attention. Councillor Monteith requested that a report be brought back to committee.

In response the AD: EDT&SP said that she would bring report to future committee but would have to work within the remit of existing budgets.

Proposed by Councillor Monteith  
Seconded by Councillor Kerr and

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

- (i) bring a report to future committee exploring plans and costings for deep cleansing of towns and villages throughout the district
- (ii) bring a report to a future committee to explore the current condition of all strategic roundabouts in the district.

Councillor Burton proposed that the butterflies being removed from Dungannon roundabout should be recycled to Ballygawley roundabout. She said they should not be disposed of. She also sought clarity that the Whatsapp group outlined in the recommendations was in addition to the tourism Whatsapp group.

The Chair Councillor Molloy confirmed that the Whatsapp group was additional and concurred regarding the butterfly structures that they should be recycled.

Councillor Burton welcomed progress in local markets in both Cookstown and Dungannon and said they would attract people to the towns.

Proposed by Councillor Burton  
Seconded by Chair, Councillor Molloy and

**Resolved** That it be recommended to Council to recycle the redundant butterfly planters and utilise them at for example the Ballygawley Roundabout.

## **Matters for Information**

### **D227/21 Minutes of Development Committee held on 11 November 2021**

Members noted Minutes of Development Committee held on 11 November 2021.



## **D228/21      Community Planning Draft Performance Statement 2019-2020**

Members noted previously circulated report.

## **D229/21      Environmental Health Reporting**

Members noted previously circulated report.

The SD: Environment drew attention to the new reporting structures and highlighted to Members that from January Environmental Health papers would be brought to the Development Committee.

Proposed by Councillor Monteith  
Seconded by Councillor Corry and

**Resolved**      That it be recommended to Council to host a workshop to provide training to Development Committee Members with regard to Environmental Health Reporting.

## **D230/21      Economic Development - OBFi**

Members noted update on key activities as detailed below:

- Cookstown Town Centre Forum Minutes 15.09.21 & 19.10.21;
- Coalisland Town Centre Forum Minutes 27.09.21
- High Street Task Force: Call For Evidence 2021
- TRPSI Rural Business Development Grant Scheme 2021/22
- NI Apprenticeship Week 2022 (NIAW2022)

*Live broadcast ended at 8.30 pm*

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

Proposed by Councillor Milne  
Seconded by Councillor McNamee

**Resolved**      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 D231/12 and D223/12.

### **Matters for Decision**

### **Matters for Information**

D231/21      Confidential Minutes of Development Committee held on 11 November 2021

**D232/21      Duration of Meeting**

Councillor McKinney acknowledged he had known Michael a lifetime and said he wished to take the opportunity to wish both him and Nigel a healthy and wealthy retirement together with a happy Christmas.

The Chair, Councillor Molloy wished everyone a happy Christmas.

The meeting commenced at 7 pm and concluded at 8.45 pm

Chair \_\_\_\_\_

Date \_\_\_\_\_

## **Annex A – Introductory Remarks from the Chairperson**

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

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

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

- If you have joined the meeting remotely please keep your audio on mute unless invited to speak and then turn it off when finished speaking
- Keep your video on at all times, unless you have bandwidth or internet connection issues, where you are advised to try turning your video off
- If you wish to speak please raise your hand in the meeting or on screen and keep raised until observed by an Officer or myself
- Should we need to take a vote this evening please raise your hand in the normal way and keep raised until advised to lower it
- 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.



<b>Report on</b>	Conferences, Seminars & Training
<b>Date of Meeting</b>	16 December 2021
<b>Reporting Officer</b>	Philip Moffett, Head of Democratic Services
<b>Contact Officer</b>	Eileen Forde, Member Support Officer

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

<b>1.0</b>	<b>Purpose of Report</b>
1.1	Provide an update on seminars and conferences received. To seek approval for (i) elected member attendance and the payment of registration/ attendance fees and associated costs, as incurred and, (ii) council officer approvals.
<b>2.0</b>	<b>Background</b>
2.1	Costs associated will be set against 2021-22 member Conference, Seminar and Training allocations.
<b>3.0</b>	<b>Main Report</b>
3.1	<p><b>Approval for Consideration of Attendance by Elected Members</b></p> <p>There are occasions when it is beneficial to Members to attend training, conferences and seminars to better equip them in their role as elected representatives. Approval for attendance as detailed in Appendix A to this report is sought.</p>
3.2	<p><b>Officer Approvals</b></p> <p>There are occasions when it is beneficial to the council for Officers to attend conferences and seminars. There is no conference attendance to report this month.</p>
<b>4.0</b>	<b>Other Considerations</b>
4.1	<p><b>Financial, Human Resources &amp; Risk Implications</b></p> <p>Financial: Costs to be set against Members 2021/222 conference/seminar/training allocation. Any costs incurred above annual allocation to be incurred by Member</p>

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

## Appendix A

### Member Training

Provider/Course	Date & Time	Location	Costs	Attendee Requests

### Conferences

Provider/Course	Date & Time	Location	Costs	Attendee Requests
NILGA Climate Emergency Training for Councillors Retrospective	2pm-5.30pm 9 & 13 December 2021	Virtual	£10	Cllr Colvin & Clarke
Chief Executive's Forum: Public Accountability and Governance training for Audit and Risk Assurance Committee Members	9 March 2022 09:15-13:30	Greater Belfast	£220 +VAT for member organisations, and £320 +VAT for non-member organisations.	



# Climate **EMERGENCY**

Climate Change Training for NI Councillors  
In partnership with NILGA

**9th & 13th December 2-5.30pm**

**Online—Zoom**

Climate Emergency is a one day's worth of interactive training (7 hours in total), delivered over two days (3.5 hours/day). The training is aimed at councillors working within a local authority environment in Northern Ireland. It equips Councillors with the information they need to mobilise change within their constituency and to communicate climate change effectively to hard-to-reach

## Outcome

Councillors will have:

- Gained an understanding of the basic science of climate change and how climate change will affect us both globally and locally.
- Gained an understanding of how you, as an elected member, can mobilise change.
- Explored the low carbon and climate resilience objectives in the Local Government Sector
- Explored strategies for influencing others to take action on climate change.
- Created an action plan to help reduce the carbon footprint and create a well-adapted local authority

## Certificate

The training is accredited by the Carbon Literacy Project. Elected Members taking part will need to attend and complete both sessions and commit to taking climate action of their choice to receive the accreditation. There is a £10 fee to be paid to receive the accreditation.

Day 1: Understanding Climate Change	Day 2—Exploring Climate Actions
1—Climate science	1—The role of Councils (Onus NI)
2—Global local impacts	2—Climate change and COVID 19
3—Climate projections	3—Green recovery and Doughnut economics
4—Pathways to our future	4—Co-benefits of climate action
5—Climate policies	5—Talking about climate change
6—Climate action	6—Levers of influence
7—the carbon budget	7—Taking action

*Hosted by NILGA with support from the LGTG*

*(Local Government Training Group), this event is open to all councillors. The session will be delivered online via zoom, details will be provided to all registered delegates. To register please email [s.little@nilga.org](mailto:s.little@nilga.org)*



## **Public Accountability and Governance training for Audit and Risk Assurance Committee Members**

**9 March 2022  
09:15-13:30**

**Greater Belfast Area\***

This half day seminar examines and reviews the role of the Audit & Risk Assurance Committee in providing assurance, independent of the executive, on risk management, governance and internal control.

This programme will cover:

- The Audit & Risk Assurance Committee: its constitutional position and its role within government departments and arm's length public bodies;
- The relationship between, and the respective roles of, the Audit & Risk Assurance Committee, the Accounting Officer and the Board (or other governing authority);
- The committee's role in relation to financial reporting and the governance statement;
- The committee's role in relation to risk management and anti-fraud measures;
- The respective contributions of internal and external audit;
- The Audit & Risk Assurance Committee's challenge function, including reference to case examples where the committee's approach could have been more robust;

- DoF's Audit & Risk Assurance Committee Handbook together with other relevant guidance;
- Observations regarding good practice.

**Steve Mungavin**, Former Head of CIPFA Northern Ireland will present the seminar which includes a contribution from the **Northern Ireland Audit Office (NIAO)**.

**\*Due to the current situation, this session will be delivered in accordance with Public Health Agency guidance at the time.**

**PLEASE NOTE:**

There are a limited number of spaces on this course.

The cost will be **£220 +VAT** for member organisations, and **£320 +VAT** for non-member organisations.

**CEF operates on a cost recovery basis, therefore cancellations must be made no later than 5 working days in advance of the event or the full fee will be charged for non-attendance.**

To reserve your place please click on the **REGISTER** button below and complete the online booking form using the password '**topcat**'

## Appendix B

### Approval - Conferences

Details of Courses	Service/ Directorate	No. Attending	Cost	Date	Location



<b>Report on</b>	Consideration of Requests for Civic Recognition
<b>Date of Meeting</b>	Thursday 16 December 2021
<b>Reporting Officer</b>	P Moffett, Head of Democratic Services
<b>Contact Officer</b>	E Forde, Member Support Officer

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

1.0	<b>Purpose of Report</b>				
1.1	To consider approval of request(s) for civic recognition from members, in line with council's current <i>Civic Honour and Receptions Policy</i> .				
1.2	In the context of the Coronavirus outbreak in March 2020, the Council has been transacting essential business only from this period. Reports on civic recognition have not been considered over this period however given the relaxing of certain restrictions by the NI Executive it is hoped to reconvene civic recognition receptions where it is possible to do so in line with current guidance.				
2.0	<b>Background</b>				
2.1	All requests for recognition are to be submitted with Democratic Services using the pro-forma, <i>Request for Civic Recognition: Civic Honour &amp; Civic Reception</i> . Requests for recognition are reviewed against the categories and associated criteria contained within the policy as detailed at 2.2.				
2.2	<b><u>Recognition</u></b> <ul style="list-style-type: none"><li><b>Civic Honour:</b> recognition will be permissible when the following has been achieved at an All-Ireland, European, International, or National level:<table><tr><td>Have won first place at a competition in their relevant field at the highest level of competition</td></tr><tr><td>Have received an outstanding achievement award at the highest level. Outstanding achievement relates to when a participant or group has not been involved in a competition</td></tr></table></li><li><b>Civic Reception:</b> will be permissible for individual, groups or organisations when:<table><tr><td>Representing their country at International, European, All-Ireland or National level at the highest level</td></tr><tr><td>Winning first place at a competition at the highest level at a Northern Ireland or Provincial level in the relevant field at the highest level of competition</td></tr></table></li></ul>	Have won first place at a competition in their relevant field at the highest level of competition	Have received an outstanding achievement award at the highest level. Outstanding achievement relates to when a participant or group has not been involved in a competition	Representing their country at International, European, All-Ireland or National level at the highest level	Winning first place at a competition at the highest level at a Northern Ireland or Provincial level in the relevant field at the highest level of competition
Have won first place at a competition in their relevant field at the highest level of competition					
Have received an outstanding achievement award at the highest level. Outstanding achievement relates to when a participant or group has not been involved in a competition					
Representing their country at International, European, All-Ireland or National level at the highest level					
Winning first place at a competition at the highest level at a Northern Ireland or Provincial level in the relevant field at the highest level of competition					

2.3	<div>Receiving an outstanding achievement award at the highest level at a Northern Ireland or Provincial level. Outstanding achievement relates to when a participant or group has not been involved in a competition</div> <p><b><u>Processing the Request</u></b></p> <ul style="list-style-type: none"> <li>Reviewed against the policy/criteria</li> <li>Reviewed to identify if recognition provided for similar achievement within 3 years prior to this</li> <li>Requests meeting criteria will be recommended to Council for Civic Honour or Civic Reception</li> <li>Requests not meeting criteria will be recommended to receive letter from Council Chair</li> </ul> <p>Appendix A details those requests received for recommendation to and approval by council. The request have been categorised in line with the revised policy.</p>
<b>3.0</b>	<b>Main Report</b>
3.1	Implementation of the policy allows the Council in acknowledging the achievements of organisations and persons from the district, as put forward by members. Recognition requests received from Members have been categorised, details of which are set out within appendix A to this report.
3.2	In April 2020 it was resolved that due to COVID a letter together with an award would be posted to Civic Reception and Civic Honour recipients. Due to lifting of restrictions around COVID it is the intention going forward to cease this process and resume hosting receptions where current guidance permits.
<b>4.0</b>	<b>Other Considerations</b>
<b>4.1</b>	<b>Financial, Human Resources &amp; Risk Implications</b>
	Financial: not applicable
	Human: not applicable
	Risk Management: not applicable
<b>4.2</b>	<b>Screening &amp; Impact Assessments</b>
	Equality & Good Relations Implications: not applicable
	Rural Needs Implications: not applicable
<b>5.0</b>	<b>Recommendation(s)</b>
5.1	Members give consideration to approving civic recognition requests as presented and be dealt with as appropriate.
<b>6.0</b>	<b>Documents Attached &amp; References</b>
	Appendix A: Civic Recognitions Recommended for Approval







## Appendix A: December 2021 Requests for Civic Recognition Submitted: For Approval

### Category: Civic Honour

Proposed Recipient	Achievement	Submitted by	Condition/Criteria Met	Recipient Previously Acknowledged
None			•	

### Category: Civic Reception

Proposed Recipient	Achievement	Submitted by	Condition/Criteria Met	Recipient Previously Acknowledged
Derry Ladies Under 16 Footballers	Ulster Championship Under 16s	CLlr Elattar CLlr Corry	• Won first place at Competition	For: Not Applicable Date:
Derry Ladies Minors Footballers	Ulster Championship Minors	CLlr Elattar CLlr Corry	• Won first place at Competition	For: Not Applicable Date
Aimee Hughes	Ulster GAA President Award Young Volunteer of the Year Award	CLlr Kerr	• Outstanding Achievement	For: Date Not Applicable
Mr & Mrs G Coulter	Best Maintenance of a Historic Building or Place at Ulster Architectural Heritage Awards	CLlr Wilson	• Won first place at Competition	For: Date: Not Applicable
St Patrick's Academy Under 16 Camogs	Ulster Championship	CLlrs Kerr CLlr Monteith	• Won first place at Competition	For: Date Not Applicable
Derek Henderson	Institute of Directors Innovation Director of the Year	CLlr Wilson CLlr McLean	• Outstanding Achievement	For: Date Not Applicable

Helen Shivers	Northern Ireland Business Person Of The Year by the All-Ireland Business Foundation.	Cllr McLean	<ul style="list-style-type: none"> <li>Outstanding Achievement</li> </ul>	For: Date Not Applicable
Eglsh Camogie Seniors	Intermediate Ulster Final	Cllr Kerr	<ul style="list-style-type: none"> <li>Won first place at Competition</li> </ul>	For: Intermediate Ulster Final Date: April 2017 over 3 year period
Darren McNally (Cookstown BC)	Ulster Intermediate Champion 80 KG B Category	Cllr Doris Cllr McNamee	<ul style="list-style-type: none"> <li>Won first place at Competition</li> </ul>	For: Date N/A
Cayden Cummings (Cookstown BC)	Ulster Boy 1 Champion 60 KG	Cllr Doris Cllr McNamee	<ul style="list-style-type: none"> <li>Won first place at Competition</li> </ul>	For: Date N/A
Connor Whitehouse (Cookstown BC)	Ulster Boy 2 50 KG	Cllr Doris Cllr McNamee	<ul style="list-style-type: none"> <li>Won first place at Competition</li> </ul>	For: Date N/A
Charlie Mulligan	Ulster Champion Boy 3 48 KG & Antrim Open	Cllr Doris Cllr McNamee	<ul style="list-style-type: none"> <li>Won first place at Competition</li> </ul>	For: Date N/A
Seamus Maughan	Ulster Champion Boy 4 80 KG & Antrim Open	Cllr Doris Cllr McNamee	<ul style="list-style-type: none"> <li>Won first place at Competition</li> </ul>	For: All Ireland oy1 46 kg Date: 4/18 out of 3 year criteria
Michael McKernan	Irish News All Star Team Player 2021	Cllrs Kerr Cllr Monteith	<ul style="list-style-type: none"> <li>Outstanding Achievement</li> </ul>	For: letter Date: /21
Brian Kennedy	Irish News All Star Team Player 2021	Cllrs Kerr Cllr Monteith	<ul style="list-style-type: none"> <li>Outstanding Achievement</li> </ul>	For: Not Applicable Date

**Other: Letter from Council Chair**

Where it is deemed that conditions/criteria have not been met for a civic reception, civic award or chair & deputy chair reception a letter from the Council Chair is recommended. This may also be in instances where recipients have previously received a reception or award for the same or similar achievement.

<b>Proposed Recipient</b>	<b>Achievement</b>	<b>Submitted by</b>
Cuba Clothing	Mid Ulster Business Awards Category Winner	Cllr Kerr & Cllr Monteith
Niall Morgan	Ulster GAA Player of the Year Award & Irish News All Star team Player 2021	Cllr Kerr Cllr Monteith Civic Reception September 2021 for RTE Sunday Game Player
Coalisland Credit Union Limited	All Ireland All Star Credit Union of the Year 2022	Cllr Kerr  Received Civic Recognition 2018, 2019
Cormac O'Hagan	County Tyrone Team Talk All Star	Cllr Kerr

Anne Mullan	Received Commendation at Spirit of NI Awards	Cllr McFlynn Cllr Hughes
Sharon Driscoll	Received Commendation at Spirit of NI Awards	Cllr McFlynn Cllr Hughes
Kieran McGeary	Irish News All Star Team Player 2021	Cllrs Kerr Cllr Monteith  Received civic recognition September 2021
Peter Harte	Irish News All Star Team Player 2021	Cllrs Kerr Cllr Monteith  Received civic recognition September 2021 RTE Sunday Game 2021 Team of the Year Player
Damian McCurry	Irish News All Star Team Player 2021	Cllrs Kerr Cllr Monteith  Received civic recognition September 2021 RTE Sunday Game 2021 Team of the Year Player
Padraig Hampsey	Irish News All Star Team Player 2021 County Tyrone Team Talk All Star	Cllrs Kerr Cllr Monteith  Received civic recognition September 2021 RTE Sunday Game 2021 Team of the Year Player
Conn Kilpatrick	Irish News All Star Team Player 2021	Cllrs Kerr Cllr Monteith Received civic recognition September 2021 RTE Sunday Game 2021 Team of the Year Player

St Martin's GAC Desertmartin,	Derry Adult County Junior Football Championship for 2021	Councillor Clarke
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<b>Report on</b>	Amendment to Standing Orders
<b>Date of Meeting</b>	Thursday 16 <sup>th</sup> December 2021
<b>Reporting Officer</b>	Adrian McCreesh, Chief Executive
<b>Contact Officer</b>	Kathryn Donnelly, Council Solicitor Philip Moffett, Assistant Director

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

<b>1.0</b>	<b>Purpose of Report</b>
1.1	To consider an amendment to the Standing Orders on the regulation of council and committee business in light of Council being made aware of a judgement made following a Judicial Review formally published on 2 <sup>nd</sup> November 2021.
1.2	In line with standing order 30.2 concerning amendments to Standing Orders this matter and request to amend council Standing Orders was notified to November 2021 Council and discussion stood adjourned until the next ordinary meeting of Council. Discussion on the proposed amendment can take place at December 2021 in line with standing order 30.2, concerning amendments.
<b>2.0</b>	<b>Background</b>
2.1	<p>Members were previously informed the November meeting that the Council has been working on the basis that certain decisions of Council (and committees) are not subject to 'call-in'. This was in line with the model standing orders adopted by Council in 2015 as recommended by the then Department for the Environment (DoE) now Department for Communities. The following is an extract from standing order 21.2 confirming those matters which are not subject to call-in</p> <p><i>(2) The following decisions shall not be subject to call-in:</i></p> <p><i>(a) a decision on a regulatory or quasi-judicial function which is subject to a separate appeal mechanism;</i></p> <p><i>(b) a decision which is deemed to be a case of special urgency in accordance with regulation 26 of the 2014 Executive Arrangements Regulations;</i></p> <p><i>(c) a decision where an unreasonable delay could be prejudicial to the council's or the public's interests;</i></p> <p><i>(d) a decision taken by an officer or officers which is not a key decision;</i></p> <p><i>(e) a decision by the executive which serves only to note a report from or the actions of an officer or officers.</i></p>

2.2.	As previously advised, this matter primarily impacts upon the workings of the planning committee and in instances where Committee may have delegated authority over specific business matters. As such, the Director for Planning updated committee members on same at the November planning meeting.
<b>3.0</b>	<b>Main Report</b>
3.1	Given the determination provided on the Judicial Review brought against Derry City & Strabane DC a review has been carried out of our Council Standing Orders and it has been considered that amendments are required to comply with the ruling.
3.2	As per the comments given in the determination, there is currently no legislative provision to allow for discretion to exclude a decision on a regulatory or quasi-judicial function which is subject to a separate appeal mechanism from being called in. This discretion is currently reflected in our Standing Orders shown at 2.1 above.
3.2	It was however acknowledged in the determination that there may be good reason for the exceptions that were previously recommended to be adopted by all Councils, such as urgency or the availability of a further appeal which would allow further consideration of the decision.
3.3	<p>Reflecting on the recommendations from the judicial review it is proposed that:</p> <ol style="list-style-type: none"> <li>1. Council agree to deletion of Standing Order 21.2 (2)(a) where it currently states that a decision on a regulatory or quasi-judicial function shall not be subject to call-in</li> <li>2. Council agree to amending Standing Order 21.2 to now read</li> </ol> <p><i>A decision where an unreasonable delay could be prejudicial to the council's interests, the public's interests and in urgent situations for emergency responses.</i></p> <p>Amendment 2 above in particular, provides scope in relation to dealing with matters in which an unreasonable delay could be prejudicial to the Council, or to a member of the public, which would allow for an emergency response, such as a threat of serious damage to human welfare and/or the environment. Members should note that the absence of justifiable legislative provision to allow for such an exceptions, may lead to a challenge of such a decision.</p>
<b>4.0</b>	<b>Other Considerations</b>
<b>4.1</b>	<b>Financial, Human Resources &amp; Risk Implications</b>
	Financial: none identified
	Human: none identified



	Risk Management: Inclusion of proposed amendments mitigates against risk to non-compliance with the out-workings of the referenced legal judgement
<b>4.2</b>	<b>Screening &amp; Impact Assessments</b>
	Equality & Good Relations Implications: not applicable on this occasion
	Rural Needs Implications: not applicable on this occasion
<b>5.0</b>	<b>Recommendation(s)</b>
5.1	It is recommended that discussion on the matter/proposed amendments having been adjourned since the last ordinary meeting of council may now take place and are recommended for approval by Council to be incorporated into Council standing orders.
<b>6.0</b>	<b>Documents Attached &amp; References</b>
	Not applicable



<b>DecReport on</b>	Correspondence to Council
<b>Date of Meeting</b>	Thurs 16 December 2021
<b>Reporting Officer</b>	P Moffett, Assistant Director
<b>Contact Officer</b>	E Forde, Members Support Officer

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

<b>1.0</b>	<b>Purpose of Report</b>
1.1	Provide an update on correspondence received for attention of Council.
<b>2.0</b>	<b>Background</b>
2.1	This paper refers to correspondence to be brought to the attention of Council. Items are referred to in 3.0 below.
<b>3.0</b>	<b>Main Report</b>
3.1	<p><b>Correspondence from NI Veterans Commissioner</b></p> <p>The Chief Executive has received correspondence from Mr Danny Kinahan Veterans Champion NI regarding the benefits of Veterans Champions and a Veterans Roadshow. Refer to appendix A</p>
3.2	<p><b>Correspondence from Department for Digital, Culture, Media and Sport</b></p> <p>The Council Chair has received response to letter forwarded following the motion carried by Council with regard to anonymity on social media. Refer to appendix B.</p>
3.3	<p>The Chief Executive has received correspondence regarding the Northern Mutual: Campaign for a Mutual Bank in NI. Members will recall that Council received a presentation in October 2020 from Dr Bridget Meehan from Mutual Bank Campaign. Refer to appendix C</p>
<b>4.0</b>	<b>Other Considerations</b>
<b>4.1</b>	<p><b>Financial, Human Resources &amp; Risk Implications</b></p> <p>Financial: not applicable</p>

	Human: not applicable
	Risk Management: not applicable
<b>4.2</b>	<b>Screening &amp; Impact Assessments</b>
	Equality & Good Relations Implications: not applicable
	Rural Needs Implications: not applicable
<b>5.0</b>	<b>Recommendation(s)</b>
5.1	That Council notes and considers, as necessary, the correspondence received.
<b>6.0</b>	<b>Documents Attached &amp; References</b>
	Appendix A: NI Veterans Commissioner Appendix B: Department for Digital, Culture, Media and Sport Appendix C: Northern Mutual Bank Campaign



**Mr Danny Kinahan, NI Veterans Commissioner**

Stormont House, Stormont Estate, Belfast BT4 3SH

E: [commissioner@nivco.co.uk](mailto:commissioner@nivco.co.uk) W: [www.nivco.co.uk](http://www.nivco.co.uk)

Mr Adrian McCreesh  
Chief Executive  
Mid Ulster District Council

Emailed to: [Chief.Executive@midulstercouncil.org](mailto:Chief.Executive@midulstercouncil.org)

Ref: NIVCO/AM/44-21

29 November 2021

Dear Chief Executive,

As Northern Ireland's first Veterans Commissioner, I have had the privilege during my first year in office to have met all of the Local Government Veterans' Champions as well as conduct extensive engagements with the majority of veteran groups across Northern Ireland.

Throughout this time, myself and my team have been witness to some fantastic practices that enhance the lives and wellbeing of veterans living in Northern Ireland. That said, there are still many veterans who do not know what services exist to help them in times of hardship or poor health. With the assistance of Veterans' Champions, I would hope to expand this knowledge in local council areas so that no veteran feels isolated, helpless or alone.

**The benefits of Veterans' Champions**

Local Veterans' Champions provide a unique and important role for veterans' living in council areas across Northern Ireland. As advocates for local services, Veterans' Champions can be the first point of contact for veterans who need information, signposting, or referral either to my office or to the Northern Ireland Veterans' Support Office (NIVSO). It is imperative that collaboration and open communication takes place amongst all key agencies, thus ensuring that a veteran is supported in the best possible way, through what can be a complex referral system.

During my engagements I have come across a range of issues that veterans have encountered in their daily lives. Often the veteran will just need to be signposted to a service that can help them with their individual problem or circumstance they are dealing with at that time. The good news is that there are numerous services across Northern Ireland to assist, but many veterans do not know how to access them. The Veterans' Champions have the ability to become a gateway for veterans to help increase their knowledge about the services available to them locally, and also to ensure they receive help as and when required.

However, there are a number of actions that you can take within your local council area to help veterans. These include the following:

- **Promote the Veterans' Champion on your council website (if not already in place)** - this for many is the first step in gaining access to a person who is willing to assist and listen. Many council websites can be difficult to navigate, but it is hoped if a person were to search the keyword 'veteran' or 'champion', they would be linked to the correct page on the council website.
- **Include links for direct veteran services and the Veterans Handbook** - a list of useful contacts is included at Annex A.
- **Utilise council newsletters** to promote hubs, contacts and services. A newsletter is an effective form of communication for those veterans who may be IT illiterate. There are a large proportion of veterans in Northern Ireland that do not use social media or indeed do not have an email address. Bridging the generational and technological gap is important wherever possible.
- **Promote positive stories** within your local community. Many good initiatives so often get overlooked. Veterans provide a very understated service to the community in which they reside, thus it would be beneficial to all society to learn more about such positive stories.
- **Establishing 'veteran friendly' links within key services** in your council area, including the Housing Executive, GPs and local businesses.
- **Lead on non-political support of veterans** - encourage an all party non-political approach emphasising that veterans are from all parts of society regardless of political or religious background.

## Conclusion

I feel absolutely privileged to be the Veterans Commissioner for Northern Ireland and as such I would like to lend my support in the sponsorship of a Veterans Roadshow in your council area. If this is something you and your Veterans' Champion feel they can support, please contact my office in order that arrangements can be made.

I look forward to meeting you again soon and would like to thank you for your continued support to veterans living in Northern Ireland.

Yours sincerely,



**Danny Kinahan**  
**NI Veterans Commissioner**



**Mr Danny Kinahan, NI Veterans Commissioner**

Stormont House, Stormont Estate, Belfast BT4 3SH

E: [commissioner@nivco.co.uk](mailto:commissioner@nivco.co.uk) W: [www.nivco.co.uk](http://www.nivco.co.uk)

**Annex A**

Useful support links for publication on council website:

<b>NI Veterans Commissioner's Office</b>	<a href="http://www.nivco.co.uk">www.nivco.co.uk</a>
<b>NI Veterans' Support Office</b>	<a href="http://www.nivso.org.uk">www.nivso.org.uk</a>
<b>UDR &amp; RI (HS) Aftercare Service</b>	<a href="http://www.aftercareservice.org">www.aftercareservice.org</a>
<b>RFCA NI</b>	<a href="http://www.reservesandcadetsni.org.uk">www.reservesandcadetsni.org.uk</a>
<b>NI Veterans Handbook</b>	<a href="#">Veterans Handbook</a>
<b>Royal British Legion</b>	<a href="http://www.britishlegion.org.uk">www.britishlegion.org.uk</a>
<b>SSAFA</b>	<a href="http://www.ssafa.org.uk/northern-ireland">www.ssafa.org.uk/northern-ireland</a>
<b>Help for Heroes</b>	<a href="http://www.helpforheroes.org.uk">www.helpforheroes.org.uk</a>
<b>Combat Stress</b>	<a href="http://www.combatstress.org.uk">www.combatstress.org.uk</a>
<b>Veterans UK</b>	<a href="mailto:veterans-uk@mod.gov.uk">veterans-uk@mod.gov.uk</a>
<b>Inspire NI</b>	<a href="http://www.inspirewellbeing.org">www.inspirewellbeing.org</a>
<b>Make the Call</b>	<a href="http://www.nidirect.gov.uk/makethecall">www.nidirect.gov.uk/makethecall</a>
<b>Andy Allen Veterans Support</b>	<a href="http://www.aavsni.com">www.aavsni.com</a>



# Department for Digital, Culture, Media & Sport

Chris Philp MP  
Parliamentary Under Secretary of State for  
Tech and the Digital Economy  
4th Floor  
100 Parliament Street  
London SW1A 2BQ

E: [enquiries@dcms.gov.uk](mailto:enquiries@dcms.gov.uk)

[www.gov.uk/dcms](http://www.gov.uk/dcms)

7 December 2021

Your Ref: C216/21

Councillor Paul McLean  
[Eileen.Forde@midulstercouncil.org](mailto:Eileen.Forde@midulstercouncil.org)

Our Ref: MC2021/19544/SR

Dear Paul,

Thank you for your correspondence of 4 November, to the Secretary of State for Digital, Culture, Media and Sport, the Rt Hon Nadine Dorries MP, regarding your concerns over online anonymity. I am replying as Minister for Tech and the Digital Economy. Please accept my apologies for the delay in you receiving a response.

Anonymous abuse online can have a devastating impact on victims. Tech companies must take more responsibility for the safety of their users. That is why the government is introducing laws which will usher in a new era of accountability for the tech sector.

Under the Online Safety Bill (the bill), companies in scope will have to ensure that illegal content is removed swiftly and that the risk of it appearing and spreading across their services is minimised by effective systems. This includes illegal anonymous abuse. Sites in scope of the bill which are likely to be accessed by children will also need to deliver appropriate safety measures to protect children from inappropriate or harmful content online.

The big social media companies will also need to keep their promises to adult users by taking action against harmful content that is prohibited under their terms of service. Under the new laws, these companies will have to set out clearly what content is acceptable on their platforms and enforce their terms and conditions consistently and transparently.

The bill also places new requirements in relation to anonymity online. It requires companies to identify, mitigate and effectively manage the risk of online anonymous abuse. This could include introducing measures to prevent unknown users from contacting each other, taking action against offenders, or allowing users to control who they interact with online and what content they see.

Ofcom will be appointed as the new regulator overseeing the framework. It will ensure that companies know what they need to do to comply with their new legal duties. Ofcom will have a suite of enforcement powers available to use against companies who fail their duties. These powers include fines for companies of up to £18 million or 10% of qualifying annual global turnover, and business disruption measures.

The police have a range of legal powers to identify individuals who attempt to use anonymity to escape sanctions for online abuse, where the activity is illegal. The government is working with law enforcement to review whether the current powers are sufficient to tackle anonymous abuse online.

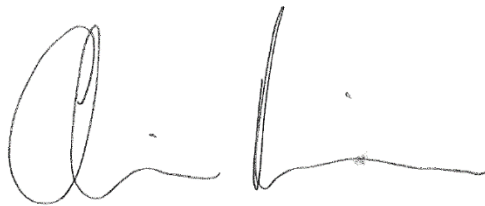


The government is also considering the criminal law and its ability to deal with harmful communications online. The government asked the Law Commission to review existing legislation on abusive and harmful communications. The Law Commission has published its final report putting forward recommendations for reform. The government is considering the Law Commission's recommendations which will set out our position in due course.

The government published the draft bill in May 2021 for pre-legislative scrutiny. The Joint Committee in Parliament that is scrutinising the draft bill is expected to report by 10 December. The government will introduce the bill to Parliament as soon as possible after the Committee has concluded its work, subject to the parliamentary timetable.

I hope you find this information helpful.

With best wishes,

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

Chris Philp MP  
**Parliamentary Under Secretary of State for Tech and the Digital Economy**



## Northern Mutual: Campaign for a Mutual Bank in NI November 2021

### Regional benefits

Wealth is generated in this region but not all of it is retained here and used for our benefit. Billions of pounds in savings, current account deposits, and public pensions for example, are held in commercial banks that invest most of this wealth outside the region for the benefit of shareholders. The Northern Mutual will reverse that trend, and allow us to retain the wealth generated here to be used for our benefit. The Northern Mutual will be:

- **Mutual:**
  - It will be owned by its members, not shareholders.
  - It will be accountable only to its members.
- **Regional:**
  - It will serve the NI region only.
  - Members must live in or be connected to the region.
  - It will prioritise affordable lending (including smaller loans and longer-term loans than those offered by current banks) to SMEs, micro businesses and family business that are the backbone of our economy.
  - It will promote productive lending that stimulates the real economy and creates local jobs.
  - Branches will have lending authority and local knowledge.
- **Ethical:**
  - It will not be driven by profit but instead will prioritise what's best for this region, for the people who live here and for our environment.
  - Lending and investment decisions will be made in the economic, social and environmental interests of the region.
  - It will not pay bonuses or incentives to executives and will have a more equitable salary structure than high street banks.
  - It will build relationships with members, getting to know them, their families and their particular circumstances, thus helping to build mutual trust.
- **Inclusive:**
  - No one will be refused an account, regardless of their financial means, if they live in or are connected to the region.
  - It will provide access to cash and branches through staffed and automated branches, reversing the current trend of bank and ATM closures.
- **Financially viable:**
  - The population in NI is 1.8m. We have 130,000 SMEs with £4.3bn SME lending, and we have a £1.6bn personal loan market.
    - We prepared an initial business case, and we believe that the Northern Mutual can become sustainable with just a 6% share of the

current market of banking account (approx. 94,000 current accounts) and a 5.29% share of lending to SMEs in the region (approx. 6,880).

- **A bank with all the services of a typical high street bank:**
  - It will offer current accounts (which accrue interest), business accounts, overdrafts, unsecured and secured term loans, debit cards, mortgages, foreign exchange.
  - It will offer a mix of physical and digital channels: branch network; both staffed and automated branches; Internet banking; mobile banking; automated safe deposit box service.

The domestic banking sector in NI is dominated by large shareholder-owned, profit-driven banks. But most other regions across the world have mutual banks from North America to mainland Europe to South East Asia and Japan. Mutual banks have been shown to have significant social and economic impact: commitment to financial inclusion; higher proportion of SME lending; credit allocation going to the real economy; reduced regional inequalities; greater resilience of local economies in recessions<sup>1</sup>.

## The mutual banking movement and other campaigns

Until recently, it was extremely difficult to start a new mutual bank because of hostile regulators, massive IT systems costs, inability to access payment systems controlled by the large banks. However, since the financial crisis, there has been a political commitment to allow new challenger banks and these barriers have been overcome. The CSBA<sup>2</sup> was formed to start a new mutual bank movement. They have created a comprehensive template to help establish a bank, including licensing, financial modelling and agreements with key suppliers. The Northern Mutual has mapped out a timeline of key milestones for the campaign, using the CSBA model:

1. **Start-up:** £100k; market research; tailoring financial model to local circumstances.
2. **Authorisation:** £1m; recruit executive team; conclude supplier contracts; build IT and operational infrastructure; apply for Bank of England banking licence.
3. **Mobilisation:** £4m; open branches and online channels; recruit branch managers and staff; develop policies, procedures and products.
4. **Launch and crowdfund:** £15m; licence obtained; full capitalisation; build customer base; open branches.

A number of regions across England and Wales have already launched mutual bank campaigns using the CSBA model: [Avon Mutual Ltd](#), [South West Mutual](#), [Banc Cambria](#), [North West Mutual](#), North East Mutual and Greater Manchester. Some of these campaigns are in advanced stages and expect to open for business soon.

<sup>1</sup> RSA Inclusive Growth Commission, [https://www.thersa.org/globalassets/pdfs/reports/rsa\\_inclusive-growth-commission-final-report-march-2017.pdf](https://www.thersa.org/globalassets/pdfs/reports/rsa_inclusive-growth-commission-final-report-march-2017.pdf)

<sup>2</sup> Community Savings Bank Association, <https://www.csba.co.uk/>



## Call to action

The Northern Mutual campaign is at the start-up phase and we are looking for support from Councils across NI:

- We *are* asking Councils to give public support for the campaign and to join the Advisory Committee – which meets quarterly.
- We *are* asking Councils to lobby other Councils, government departments and anchor institutions.
- We *are* asking Councils to pass a motion promising to consider support for the campaign – we can provide a draft form of words.
- We are *not* asking Councils to commit to the capitalisation of the bank at this stage.
  - However, the campaign needs both development and capitalisation finance.
  - Support for the development of the campaign is entirely optional and supporting the campaign does not oblige Councils to make any further financial contribution in its capitalisation, now or at any point in the future. For anyone interested, we are establishing a development fund for the Northern Mutual and you might consider contributing to it.

## Contact details

Email: [thenorthernmutual@gmail.com](mailto:thenorthernmutual@gmail.com)  
Twitter: @NorthernMutual  
Website: <https://northernmutual.co.uk/>

<b>Report on</b>	Consultations notified to Mid Ulster District Council
<b>Date of Meeting</b>	Thursday 16 December 2021
<b>Reporting Officer</b>	Philip Moffett, Assistant Director: OD, Strategy & Performance
<b>Contact Officer</b>	Ann McAleer, Corporate Policy and Equality Officer

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

<b>1.0</b>	<b>Purpose of Report</b>
1.1	To update members on the consultations notified to Mid Ulster District Council for comment.
<b>2.0</b>	<b>Background</b>
2.1	Council is a consultee for many government departments and statutory agencies, and as such receives consultation documentation inviting commentary on a wide range of issues that may be pertinent to council services and/or the District.
<b>3.0</b>	<b>Main Report</b>
3.1	Documentation relating to the aforementioned consultations can be accessed via the links provided in the table provided in Appendix A.
<b>4.0</b>	<b>Other Considerations</b>
<b>4.1</b>	<b>Financial, Human Resources &amp; Risk Implications</b>
	Financial: N/A
	Human: N/A
	Risk Management: N/A
<b>4.2</b>	<b>Screening &amp; Impact Assessments</b>
	Equality & Good Relations Implications: None
	Rural Needs Implications: None
<b>5.0</b>	<b>Recommendation(s)</b>
5.1	Members review and note consultations notified to Mid Ulster District Council.
<b>6.0</b>	<b>Documents Attached &amp; References</b>
	Appendix A: Details of Current Consultations

## Appendix A: Details of Current Consultations

Organisation	Consultation Title	Issue	Closing Date	Response Currently Being Developed
Department for Education	Consultation on Deferring School Starting Age	This relates to the age a child should start statutory education in Year One of primary school. It seeks views on proposals to introduce flexibility in starting age for the youngest children in the year group born between 1 April and 1 July. It seeks views on how it will impact pre-school provision for deferred children	4 <sup>th</sup> January 2021	
	Link to Consultation	<a href="https://www.education-ni.gov.uk/consultations/consultation-deferring-school-starting-age">https://www.education-ni.gov.uk/consultations/consultation-deferring-school-starting-age</a>		
	<b>Delegated Authority</b> required to be granted to a Committee if Council agrees that a response should be made (where an extension is not given)?		Yes	
Organisation	Consultation Title	Issue	Closing Date	Response Currently Being Developed
Department for Infrastructure	Consultation on making careless driving a fixed penalty notice offence	This consultation is to assess the current enforcement regime for careless driving and consider how this might be improved with the introduction of a new fixed penalty.	18 January 2022	
	Link to Consultation	<a href="https://www.infrastructure-ni.gov.uk/consultations/consultation-consider-making-careless-driving-fixed-penalty-notice-offence">https://www.infrastructure-ni.gov.uk/consultations/consultation-consider-making-careless-driving-fixed-penalty-notice-offence</a>		
	<b>Delegated Authority</b> required to be granted to a Committee if Council agrees that a response should be made (where an extension is not given)?		Yes	

Organisation	Consultation Title	Issue	Closing Date	Response Currently Being Developed
DAERA	Audit of Inequalities 2021-2025 and the draft Action Plan	This consultation relates to DAERA's Audit of Inequalities and associated action plan.	8 March 2022	
	Link to Consultation	<a href="https://www.northernireland.gov.uk/consultations">https://www.northernireland.gov.uk/consultations</a>		
	<b>Delegated Authority</b> required to be granted to a Committee if Council agrees that a response should be made (where an extension is not given)?		No	
Organisation	Consultation Title	Issue	Closing Date	Response Currently Being Developed
Department for Infrastructure	Strategic Rail Review	Review will consider how the rail network on the island of Ireland can improve to promote sustainable connectivity into, and between, the major cities, enhance regional accessibility and support balanced regional development.	21 January 2022	
	Link to Consultation	<a href="https://www.infrastructure-ni.gov.uk/consultations/consultation-paper-all-island-strategic-rail-review">https://www.infrastructure-ni.gov.uk/consultations/consultation-paper-all-island-strategic-rail-review</a>		
	<b>Delegated Authority</b> required to be granted to a Committee if Council agrees that a response should be made (where an extension is not given)?		Yes	
Organisation	Consultation Title	Issue	Closing Date	Response Currently Being Developed
NI Ambulance Service	Consultation on Principle of Introducing Body Worn Video for the Purposes of Violence Prevention & Reduction Against Staff	After significant consideration NIAS believes in principle that the introduction of BWV is a proportionate and reasonable proposal to help reduce harm to staff,	14 February 2022	

		and to assist in due process investigation and if necessary prosecution of offenders.		
	<b>Link to Consultation</b>	<a href="http://www.nias.hscni.net/">http://www.nias.hscni.net/</a>		
	<b>Delegated Authority</b> required to be granted to a Committee if Council agrees that a response should be made (where an extension is not given)?		No	
<b>Organisation</b>	<b>Consultation Title</b>	<b>Issue</b>	<b>Closing Date</b>	<b>Response Currently Being Developed</b>
Executive Office (NI Assembly)	Refugee Integration Strategy for Northern Ireland 2022-2027	<p>The Executive Office are seeking views on the draft Refugee Integration Strategy to ensure the final Strategy is one that focuses all the efforts on the support required to enable integration.</p> <p>Online Consultation events are being held on:</p> <ul style="list-style-type: none"> <li>• Tuesday 11 January 2022 @10.00am</li> <li>• Tuesday 8 February 2022 @ 10.00 am</li> </ul> <p>(links to join available from Corporate Policy &amp; Equality Officer)</p>	21 Feb 2022	
	<b>Link to Consultation</b>	<a href="https://consultations.nidirect.gov.uk/teo/refugee-integration-strategy-for-northern-ireland">https://consultations.nidirect.gov.uk/teo/refugee-integration-strategy-for-northern-ireland</a>		
	<b>Delegated Authority</b> required to be granted to a Committee if Council agrees that a response should be made (where an extension is not given)?		No	
<b>Organisation</b>	<b>Consultation Title</b>	<b>Issue</b>	<b>Closing Date</b>	<b>Response Currently Being Developed</b>



DAERA	<b>Green Growth Strategy draft EQIA consultation</b>	This strategy aims to balance climate, environment and the economy. It sets out an ambitious vision and a framework for delivery with which all other NI government policies and strategies must align. One of the Executive's commitments, within the draft strategy is to ensure a Just Transition, and is reflected in the Screening of the draft Strategy	11.59pm on 23 February 2022	
	<b>Link to Consultation</b>	<a href="https://consultations2.nidirect.gov.uk/daera/draft-green-growth-strategy-equality-impact-assess">https://consultations2.nidirect.gov.uk/daera/draft-green-growth-strategy-equality-impact-assess</a>		
	<b>Delegated Authority</b> required to be granted to a Committee if Council agrees that a response should be made (where an extension is not given)?		No	

