



23 February 2023

Dear Councillor

You are invited to attend a meeting of the Council to be held in The Chamber, Dungannon and by virtual means Council Offices, Circular Road, Dungannon, BT71 6DT on Thursday, 23 February 2023 at 19:00 to transact the business noted below.

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

Yours faithfully

Adrian McCreesh  
Chief Executive

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## AGENDA

### OPEN BUSINESS

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

### Matters for Decision

- |    |   |          |
|----|---|----------|
| 5. | Council minutes of meeting held on 26 January 2023                      | 5 - 28   |
| 6. | Special Council minutes of meeting held on 6 February 2023              | 29 - 40  |
| 7. | Planning Committee minutes of meeting held on 7 February 2023           | 41 - 74  |
| 8. | Policy & Resources Committee minutes of meeting held on 9 February 2023 | 75 - 84  |
| 9. | Environment Committee minutes of meeting held on 14 February 2023       | 85 - 104 |

10.	Development Committee minutes of meeting held on 16 February 2023	105 - 120
11.	Conference Report	121 - 126
12.	Civic Recognition Report	127 - 132

#### Matters for Information

13	Consultations	133 - 136
14	Correspondence Report	137 - 156

#### Notice of Motions

- 15 Councillor Wilson to move -  
 “That this council light up Council buildings red on the evening of 11th March to recognise European Victims Day.

This would be an important act of symbolism by our Council in showing solidarity with victims/survivors as they face down the UK Government’s ill-conceived Legacy and Reconciliation Bill.

Furthermore as we approach the 25th Anniversary of The Belfast/Good Friday Agreement it is incumbent on us all to recognise the constituency of people who sacrificed most over the years of violence, and whose dignity and generosity of spirit has meant that wider Society has enjoyed a level of Peace (however imperfect it may be).

Let us stand with Troubles victims/survivors from across our community.”

- 16 Councillor Corry to move -  
 This Council believes:
- Education should be accessible to all who seek it and embedding a culture of lifelong learning in our society is essential to enabling people to realise their potential.
  - Part-time flexible learning is crucial to meeting the skills needed to build a modern, inclusive and green economy.
  - Part-time students are a unique demographic, they are more likely to have disabilities, come from disadvantaged backgrounds, have caring responsibilities; such as children or elderly relatives, and in general, be part of a ‘hard to reach’ group who missed out on full-time study.
  - Lifelong learning, including non-formal education, addresses social issues, strengthens communities and builds civic engagement. It is the most effective tool for meeting social policy objectives and creating positive social change.
  - Recognises that lifelong learning must become a meaningful and developed policy area with tangible actions

and outcomes, underpinned by the wealth of best practice and innovation from across the UK and Ireland.

This Council therefore resolves to:

- To work with the Lifelong Learning Alliance to develop a Lifelong Learning campaign, to inform and raise public awareness of how lifelong learning transforms lives and communities.
- Engage with MLAs and MPs to prioritise funding for formal and informal part-time education when the Executive is formed.
- Encourage MLAs to form an All-Party Group on Lifelong Learning to support an evidence and best-practice informed approach to policy making, in collaboration with adult education bodies to form a voice for Lifelong Learning in the Assembly when an Executive is formed.

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

Matters for Decision

17. Council Confidential minutes of meeting held on 26 January 2023
18. Planning Committee confidential minutes of meeting held on 7 February 2023
19. Policy & Resources Committee confidential minutes of meeting held on 9 February 2023
20. Environment Committee Confidential minutes of meeting held on 14 February 2023
21. Development Committee Confidential minutes of meeting held on 16 February 2023
22. Land acquisition at Desertcreat
23. Document for Sealing - Local Authority Deed Agreement for Ballymacombs Landfill Site
24. Document for Sealing - Local Authority Deed Agreement for Magheraglass Landfill Site
25. Document for Sealing - Local Authority Deed Agreement for Tullyvar Landfill Site

Matters for Information



**Minutes of Meeting of Mid Ulster District Council held on Thursday 26 January 2023 in the Council Offices, Circular Road, Dungannon and by virtual means**

**Chair** Councillor Corry

**Members Present** Councillors Ashton, Bell\*, Black, Brown, Buchanan, Burton, Clarke, Colvin, Cuddy, Cuthbertson, Doris\*, Elattar\*, Forde, Gildernew\*, Glasgow, Hughes, Kearney, Kerr, Mallaghan, Martin, N McAleer\*, S McAleer, McFlynn, B McGuigan, S McGuigan, McKinney\*, McLean, McNamee\*, D McPeake\*, Milne\*, Monteith, O'Neill\*, Quinn, Robinson, Totten\*, and Wilson

**Officers in Attendance** Mr McCreesh, Chief Executive  
Mr Black, Strategic Director of Communities and Place (SD: C&P)  
Ms Canavan, Strategic Director of Organisational Development Strategy and Performance (SD:ODSP)  
Mr McGuckin, Head of Strategic Services and Engagement (HoSS&E)  
Mr Moffett, Assistant Director of Organisational Development, Strategy & Performance (AD:ODSP)  
Mr Tohill, Strategic Director of Corporate Service and Finance (SD:CSF)  
Ms Kate Keys, Marketing and Communications Manager\*  
Mrs Forde, Member Support Officer

**Deputation: Health & Social Care Trust**

**NHSCT Attendees**

Jennifer Welsh**	Chief Executive
Owen Harkin**	Deputy Chief Executive
Wendy Magowan**	Director of Operations
Neil Martin**	Director of Strategic Planning, Performance and ICT.

**SHSCT Trust Representatives**

Mrs Lesley Leeman**	Acting Director of Performance & Reform –
Mr Colm McCafferty**	Interim Director of Children and Young People's Services/Executive Director of Social Work

\* Denotes Members present in remote attendance

\*\* Denotes Officers present by remote means

The meeting commenced at 7 pm.

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

#### **C001/23 Notice of Recording**

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

#### **C002/23 Apologies**

Councillors Graham, Mullen and S McPeake

#### **C003/23 Declarations of Interest**

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

#### **C004/23 Chair's Business**

The Chair, Councillor Corry wished everyone a Happy New Year and said that over the year council would continue to demonstrate commitment to the growth and development of the district for the betterment and benefit of all citizens.

The Chair, Councillor Corry welcomed Councillor Mark Robinson to the Council and expressed thanks to his father, former Councillor Wills Robinson, for his dedication and service over the years. The Chair wished Wills all the best for the future.

The Chair, Councillor Corry welcomed the news that Maghera is set to benefit from £9m Levelling Up funding to support economic growth and drive regeneration in the town. She said it was fantastic news for Maghera and its surrounding area. Under the investment, a much-needed public realm scheme will transform the look of the town centre. Public realm schemes deliver significant physical and intrinsic benefits to town and city centres, making them more accessible, vibrant and welcoming places to be for residents and visitors alike. She stated that as well as providing new green space and outdoor recreational opportunities for the local population, the investment in what has been a historically overlooked area will also create jobs and economic growth via the creation of a new business park.

The Chair, Councillor Corry highlighted the launch of the 2020 Grant Aid Programme this month and the provision of help and support to grow community groups and sports clubs in Mid Ulster, many of which will have plans for the year ahead with events and projects. It was stated that the grants can make a big impact on communities and it's good to see money being spent on the ground where it is needed. And, with the launch of this year's new online system, the process will be made even simpler for applicants, again illustrating the Council's commitment to improving services for residents.

The Chair, Councillor Corry concluded that it's great to see the Mid Ulster Labour Market Partnership work to improve employability outcomes for residents in recent months. With an ambitious action plan now agreed and funding confirmed by the Department for Communities, the Mid Ulster LMP team is beginning work to better understand local market needs and improve employability outcomes. The Chair, highlighted that interventions will also contribute to the continuing drive to improve economic activity in the Mid Ulster area. For example, one of the programmes currently running is the Employer Led Disability Inclusion Programme. As well as increasing the number of people with disabilities in paid employment, the programme will engage with Mid Ulster employers to improve their understanding of disability needs in the workplace. It will also raise awareness of the benefits of tapping into what can be an under-utilised labour pool and will create a number of job opportunities that are suited to employees with a long-term disability or health condition.

The Chair, Councillor Corry recommended that as many Mid Ulster employers as possible take advantage of this support to make their workforces productive, diverse and inclusive.

The Chair, Councillor Corry expressed condolences to Dr Boomer SD: Planning on the death of his brother.

Councillor N McAleer said he had two issues he wished to raise the first of which was in relation to Department for Infrastructure winter gritting schedule. He said that over the latest cold snap he and most likely every other councillor was inundated with requests for gritting, he did not name roads as across the district there would be quite a few, however he stated it is clear that there are significant gaps in the current schedule.

Councillor Burton also asked that the letter reiterate the need for grit piles on rural roads which are currently not on gritting schedule. She said that DfI had previously indicated that grit piles would not be replenished but carers in particular were contacting Members to say they could not reach clients, also it was important to have roads near schools gritted. Councillor Burton emphasised that the gritting schedule needed to be widened but highlighted rural dwellers were good at sorting problems and previously grit piles had allowed them to do so.

Proposed by Councillor N McAleer  
Seconded by Councillor D McPeake and

**Resolved** That Council write to DfI requesting

- (i) the current criteria for gritting and the current gritting routes;
- (ii) seek a review on the criteria and existing routes to better reflect the needs of local communities particularly in rural areas;
- (iii) reiterate the need for grit piles on rural roads which are currently not gritted.

Councillor N McAleer drew attention to Battery Harbour in Moortown and said that

the Director and Assistant Director of Communities and Place would be aware that the electricity supplied through the pillars down at the harbour had been switched off by the council. He said that to date there has been no indication given as to when the supply would be restored, and the issue has been ongoing for a few years. Councillor N McAleer highlighted that Council was scheduled to invest in an upgrade to the playpark at the location, which will be most welcome but to fully exploit the sites potential remedial works reconnecting the power supply need carried out as soon as possible. He concluded that given the length of time that has elapsed he would propose that an urgent meeting is held with council officers and the Battery Harbour Management Committee with the aim of resolving this issue and would request that a report follows to the relevant committee with an update on how this is progressing.

Proposed by Councillor N McAleer  
Seconded by Councillor D McPeake and

Resolved That Council

- (i) progress a meeting with Battery Harbour Management committee to discuss ongoing issue impacting the electricity supply to pillars at Battery Harbour; and
- (ii) an update report is brought to future development committee.

Councillor McKinney referred to the Levelling Up Fund awarded to Council for the former school site in Maghera. He extended thanks to all officers who had worked on the project and said he looked forward to the development of the site. He said that often the Tory government is complained about but this was great news that £9m was coming into the district.

Councillor Hughes entered the meeting at 7.12 pm

Councillor McLean welcomed Councillor Mark Robinson to the council team. He paid tribute to his father former Councillor Wills Robinson and said Mark had big shoes to fill but had no doubt he would do so. Councillor McLean stated that Wills had been highly respected by both Councillors and officers and had served council over three terms during which he had been a marvelous advocate for the rural community working diligently in delivering broadband and the new planning system. He spoke of the true gentleman Wills was whose personality was embedded in Christian principles which he lived out. He wished Wills and his wife Frances a healthy, happy and long retirement.

Councillor S McAleer also extended best wishes to Wills and said as a fellow Councillor in the Clogher Valley he had warmly welcomed her to Council and she in turn welcomed Mark who would be a great addition to Clogher Valley DEA.

Councillor Burton reiterated Councillor McLean's comments and said that Wills was a colleague in the Clogher Valley DEA and had always lobbied for the rural area and she would miss him. She welcomed Mark to the team.



Councillor Mallaghan welcomed Mark to both the Council and planning committee. He extended best wishes to Wills who he said was a great man on the planning committee and a sensible voice at a site meeting.

Councillor Glasgow welcomed Mark to Council and he too extended best wishes to Wills for the future. He said Wills had always had a level head when it came to planning and they would miss the tradition of hearing the price he was getting for milk. Councillor Glasgow said Wills had been passionate about his church and always had a word for everyone.

Councillor Gildernew said that Wills had been one great fellow and in welcoming Mark said he had big shoes to fill but would make the mark! He concluded that Wills was a country man who took life as it come and extended thanks to him for his service to the rural community and council.

The Chief Executive on behalf of the senior management team and staff welcomed Mark to the council. He stated his father had been a pleasure to work with and had been an absolute gentleman.

The Chief Executive said he did not often single people out but in relation to the Maghera project he would extend thanks to the DEA Councillors who have worked tirelessly to get the project over the line. He also extended thanks to the officer team, Mark Kelso, Raymond Lowry, Annemarie Campbell, Terry Scullion, Fiona McKeown and Paul McCready. He concluded that currently the officer team were considering options to ensure the project is delivered on time within budget.

The Chair, Councillor Corry on behalf of the Carntogher Councillors thanked all who had worked diligently on the project.

Councillor Kearney concurred with comments in relation to the Maghera levelling up funding stating it would drive investment and boost the Maghera area. He also thanked the public and traders together with Mark Kelso and Davina McCartney.

Councillor Kearney then spoke of the devastating cuts planned for Radio Foyle which would impact the breakfast show and other programmes and impact up to 40 jobs. He said the station had provided a great service to north west listeners who were also license payers and he proposed that Council write to the Chair and Director of the BBC to asked to reconsider the decision.

Proposed by Councillor Kearney  
Seconded by Chair, Councillor Corry and

**Resolved** That Council write to Chairman and Director General of BBC expressing Council's opposition to proposed cuts which will impact programmes and jobs at Radio Foyle requesting that the decision is reconsidered and services maintained.

Councillor Doris spoke of the girl harassed and physically assaulted along the Coalisland walkway in recent days. She said safety is always a priority but there had to be reflection on men's issue of violence against women and this was an issue for

men not women to sort. Councillor Doris highlighted that the girl was minding her own business when the attack took place and change had to come. She highlighted the number of women killed by men in Ireland and yet the focus was on making females responsible for their safety. Councillor Doris said female politicians had been lambasted for raising the issue and it should be noted that not all men were perpetrators as she had many men who had supported her in life especially in her role in male dominated life of politics. She said that the message had to go out to offending males that this behavior would not be tolerated. Councillor Doris emphasised that women should not be sexually harassed and whilst it was not easy to be the one who speaks out in a group it should be done. She said if there was a bad image call it out, if women are being hassled in a bar speak out and it was time that courts put women above the comfort of men. Councillor Doris highlighted statistics reporting that only a small number of reported rapes end in conviction. She stated that the figures and incidents are beyond frightening but she had hope that change would come and encouraged victims to speak out, report incidents and speak to supporting organisations such as Nexus.

The Chair, Councillor Corry commended Councillor Doris on the powerful words and said that in recent weeks she had met with different organisations regarding such instances. She said that all such behavior from the lowest level of misogyny needs to be challenged as women must be safe. She highlighted her desire to work on this for International Women's day.

Councillor Kerr spoke of two incidents in the past week one the runner already mentioned and another a parent who too was verbally abused and left frightened. He said people from the area were bewildered by such behavior which appeared to be coming from one group who had also approached an elderly pensioner preventing her from passing. He expressed his outrage at the incidents and said the Coalisland pathway was a well-used facility and it was extremely disappointing what was happening. He said in general the young people of Coalisland were good hardworking youths who wanted to get involved in positive activism. He said he would be using his influence to get the behavior nipped in the bud as it was totally unacceptable. He said that some constituents had suggested to him to consider floodlighting at the Gortgonis trek as it could be used as an alternative walking route. He concluded by saying that the incidents aforementioned magnify the seriousness of what is taking place and those demonstrating the behavior need to stop.

Councillor Quinn concurred and said that the incidents were not isolated and that he too had heard about the elderly lady abused earlier in the day. He also spoke of reports in November when someone had been wielding a knife. He said Coalisland Canal is a centerpiece, the main link to the Gortgonis Centre and something needed to be done fast. He said that crimes against women could be highlighted and people could be frightened but action was needed. He advised he had emailed the Chief Executive and SD: Communities and Place to organiaae a meeting to see best how the problem could be tackled. He called for collective working.

**Resolved** That Council progress a meeting to discuss ongoing issues at Coalisland walkway.

Councillor S McAleer said in speaking on women's issue Northern Ireland does not have a health strategy. She highlighted that Scotland, England and Wales all had such strategies in place and in Northern Ireland this needed progressed to ensure that health and wellbeing is maintained. Councillor S McAleer proposed that Council progress a meeting to discuss lobbying for a Women's Health Strategy for Northern Ireland.

**Resolved** That Council progress a meeting to discuss lobbying for a Women's Health Strategy for Northern Ireland.

**C005/23 Deputation: Northern Health & Social Care Trust and Southern Health & Social Care Trust**

The Chair welcomed to the meeting representatives from Northern Health & Social Care Trust and Southern Health & Social Care Trust and invited them to address the committee.

Ms Welsh referred to the debate in Chair's business regarding the safety of females stating that the NHSCT had a large female workforce and thus would support Councillor Doris' comments. She also referred to Councillor S McAleer's comments with regard to a women's health strategy and said the responsibility for it lay with the Department of Health and Public Health Agency and the implementation of it would benefit women of today, their families and future generations. In conclusion she welcomed the news of the Levelling Up funding awarded to Maghera.

Ms Welsh NHSCT delivered a presentation (appendix a) giving an overview of the corporate objectives, Trust and GP Workstreams. In relation to out of hours care she advised that Dalraida provide urgent care and like others it was difficult to fill GP rotas as many no longer want to work out of hours. It was noted that until the National GP shortage was addressed this would be an ongoing issue. In relation to Domiciliary care it was noted that services were procured and some chose the route of direct payments as designed by the Department of Health.

Speaking on the outcome and experience of the patient Ms Welsh NHSCT highlighted waiting times particularly in relation to ambulance and endoscopy waits which had greatly improved and since 14 January target times had been met. Responding to Members queries in relation to speech and language it was noted that 107 children were waiting appointments of which 37 breaching target time. With regard to comments in relation to wheel chair provision Ms Welsh advised that like all trusts they had to adhere to the criteria defined by Department of Health but advised that individuals could obtain wheel chairs on loan from organisations such as the Red Cross and Shop mobility.

Ms Welsh NHSCT highlighted recent statistics regarding the £400m shortfall in health budget and the reported Stormont budget shortfall of £1bn and said it was imperative that delivery of health services was re-evaluated.

Making reference to the recent industrial action Ms Welsh said that there had been a full day strike involving three trade unions Unison, Unite and NIPSA which had resulted in cancellation of surgery and over 1000 service users impacted across the

hospital and GP treatments rooms. She urged all to negotiate and find a solution as it was beyond the remit of the individual trusts to resolve pay disputes stating it was imperative that staff were awarded fairly. In conclusion she stated that within the Integrated Care System councils had an important role to play.

Ms Leeman SHSCT extended apologies on behalf of their Chief Executive. She referred to the briefing paper forwarded to Members in response to questions forwarded prior to the meeting. In relation to Primary care she highlighted that the SHSCT similar to NHSCT worked with GP colleagues and engaged in weekly meetings. She stated that the SHSCT had supported GP practices both in Craigavon and Dungannon.

Ms Leeman SHSCT drew attention to waiting lists and stated that as a result of the pandemic they had increased significantly with 67k waiting to see consultants, 24k waiting for general appointments, 6k waiting mental health appointments all of which were significant waits. She stated that even to bring levels back to pre-pandemic levels was challenging but highlighted examples of change such as day surgery at South Tyrone site for cataracts, overnight stays at Daisy Hill site. Ms Leeman advised that up to £15m was used to provide additional capacity by buying in services but there was concern that this money would reduce in the incoming year.

Ms Leeman SHSCT advised that out of hours services is managed in house and the previous five sites had been temporarily reduced to two. She said like Dalriada it was difficult to get GPs to cover shifts however that they were working on a skills mix basis that included mental health, palliative care, telephone advice, nursing services and consultation. She highlighted the introduction of new services specifically for a Dungannon Community Care Centre which is a priority within the 10 year capital plan profiled for the next four years ie 2027/28 the case had been resubmitted for capital funding of which they awaited outcome. Ms Leeman said that Oakridge SEC remained a priority social care scheme which subject to available capital was scheduled to take place within the next two years. It was noted that significant cuts were pending but the SHSCT would continue to work with Department of Health.

Ms Leeman SHSCT advised that like NHSCT they were seeking to change the model for delivering domiciliary care and they too had entered a procurement process. She highlighted current statistics in relation to inhouse and private sector delivery and said there was currently over 600 people waiting on care packages that they could not deliver on. Ms Leeman acknowledged that the previous Minister for Health had set funding aside but there needed to be major changes in the sector which had been hard hit during recent industrial action but it was a service she believed would benefit from a review.

Ms Leeman SHSCT referred to the Mental Health Regional Strategy which had presented year one priorities. She spoke of a pilot scheme in East London and stated that a model established in England would be applied to provide therapy. She said that the demand for staff and experienced mental health practitioners remains high that there was approximately some 6k people on waiting lists with some waiting 32 weeks.

Similar to the NHSCT Ms Leeman SHSCT advised that there were over 1700 children waiting on speech and language appointments with some waiting over one year. She advised that the SHSCT had a contract with the red cross for temporary loans (less than six months) for wheelchairs but some choose to hire their own.

Mr McCafferty SHSCT advised that they had particular concern in relation to speech and language as they simply could not deliver the service they wished. He acknowledged the significance of early intervention but like other services they struggle to maintain speech and language therapists as the numbers trained were simply inadequate. He said referrals had slowed down during covid but now that children were back in school there had been a sharp rise. He said the SHSCT were exploring ways of addressing the need but like other services current industrial action had impacted on delivery. He said there had been some increased investment in schools and from February a help line to provide advice would be live.

In conclusion Ms Leeman SHSCT spoke of the rapid diagnostic centre at the South Tyrone Hospital site and there was a capital case for investment in CT and MRI scanner on the site. She said there had been patients progressed in a test prior to Christmas and said it was a pilot site and they were looking forward to close co-operation across trusts. It was noted that currently the SHSCT had to take referrals from the South West Acute Hospital but current impact was minimal.

The Chair, Councillor Corry thanked the respective trusts for their presentations and said it was encouraging to see improvements. She sent solidarity to the staff out on strike and stated her hope was that negotiations progressed and a fair pay deal would be reached. The Chair stated the importance of the Assembly and acknowledged the 6k waiting list for mental health and the lack of GPs. The Chair invited Members questions.

Councillor Burton referred to the birthing pool which had been previously removed from the midwifery led unit and sought clarity as to whether it had been replaced.

In response Ms Leeman SHSCT advised that it was on the capital priority list and she would revert with a firm time scale but it should be done by March 2023.

Councillor Kerr expressed solidarity to striking staff and stated he was aware those presenting did not have the remit to bring the changes required. He said the trust staff impacted carried the population through the pandemic faced immense stress facing an enemy they could not see and it was now important for councils and trusts to lobby for those same people.

Councillor McKinney thanked the respective trusts for the presentations and stated his DEA lay within the remit of the Northern Trust. He welcomed the Northern Trust positive reports and spoke of having a relative through the Casualty system on a Saturday afternoon within 30 minutes. He said the positive turn around would help morale for all.

The Chief Executive thanked the teams for their presentations and thanked the Directors and their teams for their support and leadership in relation to the Growth Deal Project in relation to care provision.

He referred to the exasperation of the integrated hospital site and said some feel it may be at the expense of Loane House, he requested a meeting with Trust staff to discuss in particular Oakridge SEC at which the Dungannon DEA members would be present. He stated that year on year Oakridge SEC is reported as a priority capital project but it had been a priority since 2014 and with the business case and budget agreed the project had to become a reality.

In response Ms Leeman concurred stating that the Southern Trust echoed the frustration and stated they would be happy to convene a meeting to discuss. It was noted that the Department of Health allocate the budget for major projects.

**Resolved** That Council and SHSCT progress a meeting to discuss Oakridge Adult Education Centre. Dungannon DEA Members to be invited.

The Chair, Councillor Corry thanked representatives from NHSCT and SHSCT following which they withdrew from the meeting at 8.23pm

### **Matters for Decision**

#### **C006/23 Receive and Consider Minutes of matters transacted in “Open Business” at the Council Meeting held on 15 December 2022**

Councillor Monteith drew attention to C246/22 Chair’s Business at which cuts to youth sector funding had been raised. He said that he had spoken of Dungannon and Ogras Youth Clubs and had proposed an urgent meeting and yet weeks down the line nothing had been done, there was a massive gap in funding across six counties and today he had read that Belfast and Derry had the hole in their budgets filled and yet Mid Ulster was high and dry. Councillor Monteith highlighted that £90k reduction in budget at least which had staff jobs and programmes in jeopardy. He stressed the seriousness of the situation emphasising that the current provision was not sustainable. He proposed again that Council put calls out to the centres mentioned and the youth alliance emphasising that it was voluntary youth clubs that were impacted.

Councillor Doris concurred and said the lost funding was ridiculous at a time when centres were busier than ever. She highlighted that Neighbourhood Renewal were engaging with the centres.

The Chief Executive emphasised that the matter would be picked up immediately.

Councillor Kerr expressed disappointment that the meeting had not taken place stressing that the youth clubs are used by hundreds of people.

**Resolved** Education Authority Cuts: update to be provided regarding meeting with voluntary clubs impacted with cuts to be progressed.

Proposed by Councillor Mallaghan  
Seconded by Councillor Monteith and

**Resolved** That the Minutes of the Council held on Thursday 15 December 2022 (C243/22 – C257/22 and C265/22) transacted in Open Business having been printed and circulated were considered and adopted.

**C007/23 Receive and Consider Minutes of matters transacted in “Open Business” at the Planning Committee Meeting held on 9 January 2023**

Proposed by Councillor Mallaghan  
Seconded by Councillor Brown and

**Resolved** That the Minutes of the Planning Committee held on Monday 9 January 2023 (P001/23 – P005/23 and P011/23) transacted in Open Business having been printed and circulated were considered and adopted.

**C008/23 Receive and Consider Minutes of matters transacted in “Open Business” at the Environment Committee Meeting held on 10 January 2023**

Councillor Kerr drew attention to E005/23 DfI Roads and said he had attended the A5 launch Enough is Enough Campaign. He highlighted that over 40 lives had been lost on the stretch of road and thought it would be useful to invite the group to present to Council.

Councillor Monteith seconded the proposal stating that improvements on the A4 had been a long battle.

**Resolved** That the A5 Enough is Enough group to be invited to make presentation to Council

Councillor Cuthbertson highlighted that the A29 had been closed for three weeks to be resurfaced. He also mentioned that the Granville Road was closed and there was a traffic light system on the Moy Road. He said it sent out a message that Dungannon was closed and was emphatic that it needed to be made clear with DfI Roads that it is not acceptable.

Councillor Monteith concurred and said much of the works could be carried out at night. He said that there had been little or no notice regarding the works especially all happening at one time.

Councillor Burton said any letter to DfI should also seek an urgent update on the assessments which had been carried out on the M1 that had been closed on Sunday morning. She referenced the number of fatalities over a two year period.

**Resolved** That Council write to DfI Roads seeking an urgent update on M1 assessment between junctions 14-15; and also express concern on the amount of simultaneous road works taking place on key roads in Dungannon;

Councillor Burton also drew attention to E005/23 DfI Roads regarding the introduction of a no waiting time. She reiterated comments made at the Environment Committee that there is engagement with local businesses as a lot of traffic parks in the designated area and could potentially move around to a nearby housing estate.

**Resolved** That as expressed at Environment Committee there is engagement with businesses and assurance that as parking area is redesignated as no waiting area that traffic does not park in nearby housing areas.

Councillor S McAleer advised she had also attended the A5 Enough is Enough campaign and asked if Council would be sending representation to the public enquiry which had been moved from January to May 2023.

In response the Chief Executive said Council could express an opinion and he would clarify to Members regarding attendance at public enquiry.

Proposed by Councillor B McGuigan  
Seconded by Councillor S McGuigan and

**Resolved** That the Minutes of the Environment Committee held on Tuesday 10 January 2023 (E001/23 – E018/23 and E027/23) transacted in Open Business having been printed and circulated were considered and adopted.

**C009/23 Receive and Consider Minutes of matters transacted in “Open Business” at the Policy & Resources Committee Meeting held on 11 January 2023**

Proposed by Councillor McLean  
Seconded by Councillor S McAleer and

**Resolved** That the Minutes of the Policy & Resources Committee held on Wednesday 11 January 2023 (PR001/23 – PR009/23 and PR020/23) transacted in Open Business having been printed and circulated were considered and adopted.

**C010/23 Receive and Consider Minutes of matters transacted in “Open Business” at the Development Committee Meeting held on 12 January 2023**

Councillor Kerr drew attention to D012/23 Economic Development – Coalisland town centre and said he had been contacted about by local residents regarding Mimi’s corner regarding congestion and fumes coming from vehicles and asked that Council investigate the issues. He also sought an update on Kings Road regarding a meeting with local section office.

Councillor Monteith seconded Councillor Kerr’s proposal regarding air quality and congestion. He reminded Members that at a recent meeting regarding air quality at Newell Road and Charlemont Street, Moy other areas had been mentioned including Mimi’s Road and Circular Road.



The Chief Executive stated he would revert to Member regarding King's Road.

Councillor Quinn referred to the air quality and the King's Road issues and said that perhaps the Town Centre Forum could drive the matter forward.

The Chief Executive said he would seek clarity on the issues and the best methodology of addressing them.

*Councillor Cuddy left the meeting*

Proposed by Councillor Kerr  
Seconded by Councillor Monteith and

**Resolved** That an

- (i) Update to be provided to Members regarding status of meeting with Council and Dfl local section office with regards to flooding at King's Row, Coalisland; and
- (ii) meeting to be convened regarding congestion at Mimi's Corner roundabout and air quality impacts

Proposed by Councillor Clarke  
Seconded by Councillor Kerr and

**Resolved** That the Minutes of the Development Committee held on Thursday 12 January 2023 (D001/23 – D015/23 and D019/23) transacted in Open Business having been printed and circulated were considered and adopted.

### **C011/23 Conferences, Seminars and Training**

The HoSS&E sought approval for the previously circulated report on conferences, seminars and training as outlined in Appendix 1 of the report.

Councillor Kearney encouraged Members to attend the forthcoming NILGA conference.

Proposed by Councillor McLean  
Seconded by Councillor Kearney and

**Resolved** That approval be given to submitted requests for conferences, seminars and training as outlined at Appendix 1 to the report.

### **C012/23 Civic Recognition Requests**

The HoSS&E 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 McFlynn and

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

### **Matters for Information**

#### **C013/23 Consultations**

Members noted consultations received for attention of Council.

Proposed by Councillor Milne  
Seconded by Councillor Corry and

**Resolved** That Council respond to Department of Health: Autism Strategy 2023-2028. (All Member workshop to be convened) Closing Date: 8 March 2023

#### **C014/23 Correspondence**

Members noted update on correspondence received for attention of Council.

Councillor Monteith drew attention to correspondence from NI Water regarding the mast at Castlehill. He said whilst it was welcome that NI Water are revisiting the matter he felt they had been dismissive and he would in fact dispute some statements as he can remember discussions with legacy Council Chief Executive over 15 years ago when it had been established that the blue light service did not need to be on the current unsightly mast.

*Councillor Cuddy returned to the meeting*

Councillor Monteith proposed that Council respond to NI Water and seek a meeting with senior representatives as soon as possible. He was emphatic that the pressure needed to be kept on the matter. He welcomed the opportunity to present to the Board but a meeting was of paramount importance. He said the mast and capped reservoir both needed to be on the agenda as both would open the western side of the hill. He said the Spelga Dam provides water to a large part of Ulster but people can walk around it.

Councillor Kerr concurred supporting the proposal.

Councillor Mallaghan supported Councillor Monteith and said although not his DEA it was an all important site in Mid Ulster.

Proposed by Councillor Monteith  
Seconded by Councillor Kerr and

**Resolved** That Council respond to NI Water letter regarding mast at Castle Hill, Dungannon and again seek urgent meeting to discuss mast and also the opening of capped reservoir at site.

Proposed by Councillor Kerr  
Seconded by Councillor Monteith and

**Resolved** That Council support Newry, Mourne & Down District Council motion: Workers Legal Rights to Tips

The Chief Executive referred back to the A5 Campaign and confirmed Council had made a response to the consultation prior to Christmas but as previously advised he provide clarity.

### **C015/23 Notice of Motion**

Councillor Cuthbertson moving the motion stated:

“The Coronation of His Majesty The King Charles III, will take place at Westminster Abbey on Saturday 6th May, 2023, 100 days from now. The Coronation Service will take place on the morning of Saturday, 6th May. The Coronation is a solemn religious service, as well as an occasion for celebration and pageantry. The Coronation Weekend, will provide an opportunity to spend time and celebrate with friends, families and communities. This will happen in Dungannon, Mid Ulster, Northern Ireland, the entire United Kingdom, and across the Realms and the Commonwealth, in celebration of this historic occasion. On Monday, 8th May, members of the public will be invited to take part in “The Big Help Out” which will encourage people to try volunteering for themselves and join the work being undertaken to support their local areas. Planned also over the weekend is the event entitled ‘Lighting up the Nation’, which will see the country join together in celebration as iconic locations across the United Kingdom are lit up using projections, lasers, drone displays and illuminations. Thousands of events are expected to take place in every corner of the United Kingdom this May as people take to their streets, gardens, public parks and community spaces to join the Coronation celebrations and mark this historic occasion. There are many things Mid Ulster Council can do over the Coronation weekend. From screening the events on large screens in public spaces, lighting up of public buildings, flying the Union flag at the Council offices, inviting communities to volunteer in our public parks, for example participate in council organised litter picks and tidy ups. Mid Ulster Council’s response to this significant occasion in our country’s history must be Officer lead, particularly as it will be on the run up to the local government elections. There is no precedent set for such an occasion as this, the Councils previous strategy of celebrating the decade of anniversaries is over, this is not an anniversary, it is an issue of National importance which will attract interest across all religious and political divides and nationalities we find living in the Mid Ulster District Council area. *This year on 6th May 2023, the Coronation of His Majesty King Charles III will take place, having previously acceded to the throne on 8th September 2022, following the passing of his mother, the late Queen Elizabeth II. To mark this historic occasion, Mid Ulster District Council will write a letter of congratulations*

*and best wishes to His Majesty and also organise a programme of meaningful and respectful events to commemorate this significant occasion.”*

Councillor Buchanan stated that many communities in Mid Ulster will want to mark the Coronation of His Majesty King Charles III. To accommodate these communities he asked that this Council follows the wishes of these citizens and organises a series of events for the people. Councillor Buchanan stated this is an event which occurs for some people only once in a lifetime and there are people now in their late 60s who have never witnessed a Coronation and this will be an event which many people in Mid Ulster, both young and old will look forward to so it gave him great pleasure to second the motion.

Councillor Mallaghan proposed an amendment to the motion, he stated that it was a simple amendment following on from the word also ...*’empower the community to celebrate this event using existing Council funding through our festivals and Good Relations programming.’*

Councillor Mallaghan stated that many people would see this as an important and historic occasion but many others will not and it is up to each individual to decide for themselves but there is funding already programmed within Council budgets and he felt that is the most appropriate place for funding events.

The amendment was shown on screen.

Councillor B McGuigan seconded Councillor Mallaghan’s amendment.

Councillor Glasgow stated the UUP would support the motion. He stated that the Platinum Jubilee had showed the great positive attitude that the community within Mid Ulster had come together from all backgrounds and from any religion because the Royal family is held in high regard. He said that the Royal family tries to encourage respect and honour and has always been well received at local level. Councillor Glasgow stated that the fact that the Councillor has mentioned the number of events that Buckingham Palace has announced had one aim and that was to bring everyone together. The Councillor stated that on thinking back, it has been mentioned in the past, by Her Majesty Queen Elizabeth II, when she made the comments – “Even with the most deeply held differences, treating the other person with respect and as a fellow human being is always a good first step towards greater understanding.” Councillor Glasgow stated that those comments should be taken on board before any decision is made. He advised that King Charles III had previously said – “As stewards of this precious planet, it is our actions and our actions alone that will determine its future.” So it just shows how prominent and how strong the Royal family is within the livelihood of the people and the life of the people of Mid Ulster and further afield and that this occasion will bring them together. The Councillor stated it has been quite dark the last number of years, in particular with Covid 19, and people need something to look forward to and people need that inspiration and plus it has a great balance where it has the prominence and importance of the religious part of what is within the divine right of God within the Royal family in which they are appointed but also the community aspect where it brings people from all backgrounds, both political and religious to come together and that is clearly demonstrated as has been previously displayed.

Councillor Monteith stated he respected other Councillors right to hold the British monarchy in high esteem however it would be remiss of him not to express the feelings of himself and many of the people he represents. The Councillor stated the British monarchy does not represent him, the trappings of empire do not represent him, he said it is an organisation which is exclusive to one religion, and is the handing on of privilege and power based on birth right rather than ability. He said as a republican he believed that all positions of power come from the people, not from any supposed divine right or birth right and he could not in good conscience support the celebration of that type of handing on of power and could not support the celebration of the trappings of the British empire which has a track record across the world of atrocity after atrocity. He said it had left a trail of destruction behind it to the point that the headpiece which the British monarch is crowned with is even under contention where the diamond the Koh-I-Nûr was stolen from the people of India and what is now Pakistan and both those people are of the opinion that it should be returned to them. He said he had no difficulty and would not hinder anyone who believes the Coronation is worthy of celebration and he would support their right to do so, and had no difficulty with them accessing funding of which many opportunities had been announced in the last couple of weeks for communities. He extended good luck to any community that wished to celebrate the Coronation but stated as a Republican he could not support it and from a corporate view he would not support organising events to mark the endorsement of monarchy regardless of whether that monarchy was British or Irish. He drew attention to spending pressures and some of the things being suggested would be considerably expensive and wondered how it would fit in with rates estimates. Councillor Monteith also put on record that he had not been involved in discussions regarding flying of the Union flag previously at the Council buildings but had stated his objection and would ask that his objection to any proposal for it to fly in the future was noted. He concluded that Council policy of 'no flags' at corporate events or on corporate facilities has served the organisation well and it does not bode well to deviate from that.

Councillor Quinn stated that the SDLP from its foundation was based on respect including for other people's views and opinions. He said that when King Charles visited Cookstown with Camilla, it had been a successful visit and passed off very well and people from both traditions had lined the streets to have a look at them passing. He acknowledged that the Royal family plays a very important part in the Unionist community and he had no wish to interfere with that whatsoever. He said they had certainly made the headlines over the last couple of months, and he had watched the Netflix series about Meaghan and Harry and would not give away which side he came down on but on looking at the amendment he had no problem with with it and had no problem with a letter being sent.

Councillor Kerr stated it would be no surprise to anyone that as an Irish Republican he would oppose the motion and all forms of monarchy. He stated that he believed the monarchy to be an outdated system which has many associations with colonialism and controversy in Ireland. He said many people in East Tyrone lost their lives to British state collusion and many local families suffered from British violence in Ireland overseen by British royal families throughout the last decades. He said people in Meenagh Park where he lived suffered at the hands of British state terrorism and the Royal family in recent times has limped from one crisis to another

with allegations of racism, dodgy financial dealings and many other issues. He said as a Republican how could he support a system which allows people to be born into privilege, hoard land, power and wealth while many of the so called Royal family subjects are facing death due to poverty, cold and not being able to afford this crisis caused by capitalism.

Councillor Colvin stated he would not start on the many challengeable statements that have been made by some of the Members tonight as he would not know where to start. He said that when the British left a lot of the African countries they had fell into ruin and actually had to be rebuilt and the control, the government all those things that were in place was substituted with greed and the people at the top looking after themselves. He highlighted other things mentioned about the British government such as £9m Levelling Up funding the appreciation of which should be shown in action. He said Council has to rise above individual positions and recognise that the Coronation is a major thing and goes across the whole community as a lot of people irrespective of background respect the Royal family and as such Council who supposedly represents everybody should set individual political opinion aside and as a gesture of good will support Councillor Cuthbertson's motion fully. He acknowledged that Council failed when the opportunity presented itself at the Platinum Jubilee and now had the opportunity to step forward and do something meaningful as to do otherwise would lead Unionists to think that Council only represents a certain section of the community. He concluded that surely the council is bigger than that and it represents everybody an appropriate recognition of the Coronation, by Council, would be perfectly in order.

The Chair Councillor Corry asked if Councillor Cuthbertson accepted the amendment.

Councillor Cuthbertson rejected the amendment stating that the motion had two actions and the amendment is a direct negative and is replacing the main action of the motion. He stated, "the first paragraph of the motion is just outlining why we are here for the action so it is a direct negative. I would be against the amendment. Unionists are in the minority in this district, we are not asking for everything, all we are asking for is a bit of respect and a bit of fair share when it comes to Council events and Council funds. As the previous Councillor rightly said we were here in January last year with a motion in relation to Platinum Jubilee, it was rejected. The year before in relation to the centenary of Northern Ireland, a motion was also rejected, there was nothing meaningful or worthwhile done for the centenary of Northern Ireland so this is going to be the third year in a row. Unionists are saying what is in this Council for them and to be honest I can't see what is, they get their bins lifted but that is all they are getting out of this Council and I would be against the amendment because it is talking about encouraging community groups to access Council grants and festival and good relations funding, the community groups are already accessing these community grants for their running costs, it is to keep the community groups going, it is to pay their rent, it is to pay their electric and it is to pay their fun days and their Christmas parties. So if we go down that line the people are going to sacrifice their Christmas parties for the children, they are going to sacrifice whatever events, coffee mornings, morning clubs for pensioners because of this one off occasion that is in the national interest. That is not the road to go down and it is time this Council and the Senior Management Team of the Council stepped

up and took a decision for themselves and said this is of national importance, this is the direction we are going and Council officers lead on this matter. This will be during purdah, it is 14 days before the election so Council officers should take the lead on it and not accept the amendment.”

The Chair, Councillor Corry stated that the wording on the amendment is perfectly grand and the amendment was put to a vote:

For	20
Against	14
Abstained	2

The Chair, Councillor Corry stated that the amendment was carried so is now part of the substantive motion and that the substantive motion would now be put to a vote -

*This year on 6th May 2023, the Coronation of His Majesty King Charles III will take place, having previously acceded to the throne on 8th September 2022, following the passing of his mother, the late Queen Elizabeth II. To mark this historic occasion, Mid Ulster District Council will write a letter of congratulations and best wishes to His Majesty and also encourage community groups to access council grants in festivals and good relations to organise events if they so wish.*

For	14
Against	16
Abstain	6

The Chair Councillor Corry stated the motion had fallen.

Councillor Cuthbertson asked why the voting was carried out differently this time, he stated that normally when the amendment is accepted that is the substantive motion and he had not seen two votes taken before.

The Chief Executive advised that standing orders clearly state that when there is an amendment and the amendment succeeds the amendment becomes the substantive motion and that substantive motion is then once again put to the floor.

The Chief Executive asked to make a comment now the motion is over as he is not allowed to speak during motions as they are political. He stated he wanted to make a comment as the Chief Executive as he felt he had to as once again tonight there was reference about officers in motions and he wanted to make it very clear on behalf of every employee in this organisation there is a distinction between the role of an officer and role of an elected member and they should never be confused. The Members make the policy, officers in this organisation are paid to implement it and once again tonight I have seen and heard officers being incorporated into political motions. I will be seeking a meeting with the leader of the relevant party and the Councillor concerned to progress this discussion. It is unfair to all employees of this Council by any elected Member to incorporate us into a political discussion

In response, Councillor Cuthbertson stated it had to be officer led due to purdah in the lead up to election and that was the reason why that was suggested.

## **C016/23 Notice of Motion**

Councillor Wilson moving the motion stated,

“The motion is self explanatory so I don’t intend to read it out. As the cost of living crisis hits people hard it’s important that we as a Council do everything we can to lobby the government for more help. This Council has worked hard to help those most in need and I would like to pay tribute to our staff for all their efforts. However the Assembly must also work in tandem with local Councils to identify need, tailoring support packages for those most exposed to the impact of the cost of living. We as a party welcome the UK government’s announcement several months ago of a £650 grant to people on benefits including Universal Credit, Working and Child Tax Credits and Pensions Credits. The first tranche of this payment (£326) was made to most people between 14<sup>th</sup> and 31<sup>st</sup> July and a further payment of £324 before Christmas.

We also welcome the Chancellor’s decision to make an energy discount grant worth £600 to all households in Northern Ireland in January - £200 more than in GB but we believe more could be done. While welcoming the roll out of the scheme now I just hope that price of oil and electric aren’t increased as more people order heating oil. It is very disappointing to hear, if true, that some landlords are refusing to give their tenants the £600 vouchers. We have called for the GB ‘Warm Homes Discount’ to be rolled out in Northern Ireland. The Warm Homes Discount is a sum of money credited to an electricity (and in some circumstances gas) account of the eligible recipient. In winter 2022/2023 this will amount to £150 in GB.

At last month’s Council meeting I asked the Trust boards to look at free parking for their staff and to say I am disappointed with their response is an understatement. Here we have essential workers not only having to pay for extra fuel costs but having to pay to use their works car park. I have been informed that some staff even have to arrive an hour early for their shifts to even get a car space. I wonder how many MLAs or Civil servants have to pay to park at Stormont.

One other thing that could help would be that Car fuel duty should be cut with an additional rebate for essential users, not least carers who travel extensively to provide vital support to those who are unable to look after themselves. We have heard from these users the hardship that they face trying to do their job. It’s important that these carers are looked after and a rebate on car fuel duty would go some way to recognise the vital work that they carry out. I am sure everyone has noticed the varying prices that people are paying for their fuel at the pumps. This is maybe something that the Trading Standards Service could get their teeth into to ensure fairness and transparency. When the Assembly is up and running one of their top priorities should be to increase the amount of money into the energy efficiency scheme to help insulate homes. At present the Northern Ireland Sustainable Energy Programme (NISEP) is an £8 million fund, collected



from both domestic and commercial electricity customers through a public service obligation (PSO) for the delivery of energy efficiency schemes but I believe this should be increased.

We as a party supported the recent year's extension of Business Rates holiday in the Assembly with some businesses receiving a further three-month break in payments including retail, hospitality, tourism, leisure, childcare and airports. We also supported small businesses receiving a discount of between 20% and 50%, depending on the Net Annual Value of their business premises and voted to freeze the regional rate for households and businesses for another year. We can only hope that the regional rate is frozen again this year. We believe the current energy crisis is as great a threat to Small Businesses as the Covid pandemic and we will continue to press for a further extensions of the Rates holiday for the extent of the Energy crisis Northern Ireland's utilities are currently regulated separately from Great Britain; hence the problems delivering energy discount grant and we have called for home heating oil provision and bottled gas be brought under the remit of the Utility Regulator NI ensuring parity of regulation with mains gas and electricity. I would also call on retailers who sell home heating oil in small containers to price them at same cost per unit as those charged for bigger deliveries. Lots of people can't afford to buy in bulk and this would help alleviate that problem."

Councillor Wilson moved the motion –

This council notes with concern the significant increase in the cost of electricity, gas and oil for households and businesses across Northern Ireland; acknowledges the intervention from the UK Government including the Energy Price Guarantee; further notes the energy price guarantee support was reduced from December and will be further reduced from March 2023; therefore, agrees to write to HM Treasury to press for the removal of VAT on energy as part of wider intervention measures.

Councillor Colvin seconded the motion highlighting in particular that a reduction of tax on fuel should be supported.

Councillor Monteith said he agreed with the thrust of what has been proposed and that anything to relieve the current crisis which is really a 'capitalism crisis' is welcome. He expressed concern about some landlords, not all and shared that he had been approached by a tenant who had been told the house would be searched if they did not hand over the letter for the £600 voucher scheme. He said a lot of people needed support especially in situations whereby English was not the first language.

Councillor Monteith proposed that the motion include, 'that Council officer team engages with relevant bodies to establish how people overcome issues being experienced regarding the energy support grants.'

Councillor Kerr seconded the proposal.

Councillor Wilson accepted the addition to the motion.

Councillor N McAleer stated that Sinn Féin welcomed the motion and said as a party they had campaigned to have the vat removed by the British Government. He welcomed the £600 payment but said that tax cuts would benefit families as for years tax benefits have only benefited the rich.

Councillor Kerr supported the motion which would help people on the ground and concurred with Councillor Monteith's statement that the crisis was created by greed and capitalism.

Councillor Mallaghan drew on Councillor Monteith's comment saying that the crisis was 'cost of capitalism' but he would call it 'cost of Tory government crisis.' He reflected that the Assembly had introduced a small scale energy bill brought by John O'Dowd with regard to reducing carbon footprint and that local government needed to introduce these schemes. He said Councils need to be more sustainable, removing vat would help and would take money away from the exchequer but the matter of energy companies needed to be addressed. He concluded that the government was good at avoiding paying tax.

Councillor Quinn said that the SDLP supported the motion and stated that whilst many names could be put on the crisis it was a result of bad government. He said all was piled onto the working class not the energy companies and expressed concern that tenants not the landlords were the people entitled to the £600 payment.

Councillor Brown said the DUP would support the motion but stated across the debate he had listened to some drivel. He highlighted that the Tory government was giving the £600 energy support grant and said it was shameful that some landlords were taking it. He also highlighted that £9m from the Levelling Up Fund had just been awarded to the Mid Ulster area. He concluded that the money should be welcomed and drivel should be cut out.

The Chair Councillor Corry said the motion as undernoted was carried unanimously.

This Council notes with concern the significant increase in the cost of electricity, gas and oil for households and businesses across Northern Ireland; acknowledges the intervention from the UK Government including the Energy Price Guarantee; further notes the energy price guarantee support was reduced from December and will be further reduced from March 2023; therefore, agrees to write to HM Treasury to press for the removal of VAT on energy as part of wider intervention measures.

Also

That Council officer team engages with relevant bodies to establish how people overcome issues being experienced regarding the energy support grants.

Councillor Wilson in response thanked Members for their support.

*The live broadcast concluded at 9.26 pm.*

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

Proposed by Councillor Kerr  
Seconded by Councillor Mallaghan

**Resolved** That items C017/23 to C029/23 be taken as confidential business.

**Matters for Decision**

- (i) Council Confidential minutes of meeting held on 15 December 2022
- (ii) Planning Confidential minutes of meeting held on 9 January 2023
- (iii) Environment Confidential minutes of meeting held on 10 January 2023
- (iv) Policy & Resources Confidential minutes of meeting held on 11 January 2023
- (v) Development Confidential minutes of meeting held on 12 January 2023
- (vi) Document for Sealing – Contract Murley Road Footpath
- (vii) Document for Sealing – Lease at Drumcairne – DAERA and MUDC
- (viii) Document for Sealing – Connecting Pomeroy – Forestry Building
- (ix) Document for Sealing – Connecting Pomeroy – Church of Ireland Hall and GAC Building
- (x) Document for Sealing – Connecting Pomeroy – Public Realm and MUGA
- (xi) Document for Sealing – Contract Regarding Derrynoyd and Drumcairne Forests

**C030/23 Duration of Meeting**

The meeting was called for 7.00 pm and ended at 9.32 pm.

Chair \_\_\_\_\_

Date \_\_\_\_\_

## **Annex A - Introductory Remarks from Chairperson**

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

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

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

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

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

## Minutes of Meeting of Mid Ulster District Council held on Monday 6 February 2023 in the Council Offices, Circular Road, Dungannon and by virtual means

**Members Present:** Councillor Corry (Chair)

Councillors Ashton, Bell\*, Black, Brown\*, Buchanan, Burton, Clarke, Colvin, Cuddy, Cuthbertson, Doris\*, Elattar\*, Forde, Gildernew\*, Glasgow\*, Kearney, Kerr, Mallaghan, Martin\*, N McAleer, S McAleer, McFlynn, B McGuigan, S McGuigan, McKinney, McLean, McNamee\*, D McPeake\*, S McPeake\*, Milne\*, Molloy, Monteith, O'Neill\*, Quinn, Robinson, Totten\* and Wilson

**Officers in Attendance:** Mr McCreesh, Chief Executive  
Mrs Campbell, Strategic Director of Environmental Services  
Mr Black, Strategic Director of Communities & Place (SD: CP)  
Ms Canavan, Strategic Director of Organisational Development Strategy & Performance (SDODSP)\*\*  
Mr McGuckin, Head of Strategic Services and Engagement (HoSSE)  
Mr Moffett, Assistant Director of Organisational Development, Strategy & Performance (ADODSP)  
Mr Tohill, Strategic Director of Corporate Service & Finance (SDCSF)  
Mrs Forde, Committee & Member Services Manager  
Mrs Keys,  
Mrs McNally: Assistant Director Corporate Service & Finance \*\*

\* Denotes Members present in remote attendance

\*\* Denotes Officers present by remote means

The meeting commenced at 7 pm.

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

The meeting commenced at 7 pm.

### **SC001/23 Notice of Recording**

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

### **SC002/23 Apologies**

Councillors Graham and Mullen

### **SC003/23    Declarations of Interest**

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

### **SC004/23    Chair's Business**

Councillor McLean reflected on the earthquake in Turkey and Syria and advised that Councillor Buchanan had cousins in the region and stated that many others in the Mid Ulster community would be impacted by the disaster. He concluded in passing on thoughts to all those affected.

The Chair, Councillor Corry concurred and said she hoped Councillor Buchanan's family would be all right and extended thoughts and prayers to all those in the community impacted by the disaster.

### **Matters for Decision**

#### **SC005/22    Minimum Revenue Provision Policy**

The SDCSF drew attention to the previously circulated report regarding the 2023/24 Minimum Revenue Provision Policy and sought approval that the policy as detailed for year 2023/24 be retained for the incoming year.

Proposed by Councillor S McGuigan  
Seconded by Councillor McFlynn

**Resolved**    That Council confirms its existing MRP policy as being appropriate for the financial year 2023/24.

#### **SC006/22    Rate Estimates for 2023/24**

The SD:CSF drew attention to the previously circulated report regarding the 2023/24 Rate estimates and the associated reports concerning the Robustness of the Estimates and the Adequacy of Reserves, which had also been previously circulated.

As detailed in the relevant reports, the SDCSF advised the Members that, prior to the Council considering its Rate estimates and striking a Rate for a financial year, Sections 4 and 6 of the Local Government Finance Act (Northern Ireland) 2011 required the Chief Financial Officer (the Chief Executive) to submit to the Council a report on the robustness of the estimates and a report on the adequacy of any proposed financial reserves for a financial year. These legislative provisions also required the Council to have regard to the reports when considering the estimates.

The SD: CSF reflected that it was unprecedented times and presented the reports to Members. Following presentation of the reports, the SDCSF sought approval for the Rates Estimates for 2023/24

Councillor Mallaghan said the process of setting the rates was always difficult and he noted the current high inflation rates across the world. He stated that, for a number of reasons, the impact was more pronounced in the North; these included the cost of energy, labour shortages due to people leaving following BREXIT, high interest rates. He noted that, although people were getting it tight financially, Shell boasts £23bn in unprecedented profits without the government taxing these profits effectively. Unfortunately, society treated some people unfairly. He highlighted the cost of food and the problems with how farmers, as the producers, were going to be funded going forward. He further stated that the council decision two years ago to keep the rates at 0% was still a burden on the rate payer.

Councillor Mallaghan said that the SD: CSF had presented a robust report and commended him on his expertise and professionalism but said that he thought some adjustments could be made to lower the burden on the rate payer. He acknowledged that the proposed 8.9% increase in district rate would put the council at low risk, but Sinn Féin's proposal would reduce the proposed rate increase. He spoke of the recently communicated reduction in rates support grant and said that, if the NI Assembly was re-instated, the rate support grant could possibly be increased with the right Minister in place. He agreed that energy costs were currently high but suggested that the estimated energy costs for 2023/24 could be trimmed; in addition, if the predicted inflation reduction over the next year saw inflation fall to 5%, the salaries and wages increase in 2023/24 would not be as large as the officers had anticipated. Reflecting on these areas and the potential for the current estimated increases to be overstated, Councillor Mallaghan proposed that the proposed budgeted net expenditure for 2023/24 should be reduced by £750k. Reducing the budgeted net expenditure would lower the proposed 2023/24 district domestic rate from 0.3817 to 0.3761. This would, in turn see an "average" domestic rate payer in a house with a capital value of £125,000 see the increase in the district rate element of their rates bill reduce from 75p per week to 62p per week or, in annual terms, from £39 to £32 over a year. He acknowledged some rate payers might never notice the difference but to others it would be significant. He concluded by saying that, like everyone, the Council as an organisation faces unprecedented rises in costs.

Proposed by Councillor Mallaghan

That a further £750k savings be identified reducing the rise in the rates from 8.9% to 7.3%.

Councillor Monteith said that rates setting is well rehearsed across the six counties and that the earlier discussion had alluded to the impact on ordinary folk who have to pay for the cost of corporate greed. He highlighted that the profits made by Shell were obscene. He said that ordinary people are paying for corporate greed and in good conscious Council should not add to their burdens. He acknowledged that the Council depends on substantial rate support grant funding yet Council does not know what it will be even though it needed to know this to strike its 2023/24 district rate. He said this created a governance issue as there was an obvious gap in budget

estimates and nowhere else would such serious budgets be based on complete assumptions. Councillor Monteith emphasised that it was no reflection on officers but there was a legal question to be put as the gap was always the elephant in the room. He said it has a major impact on the rate and legal opinion should be sought as to how robust such governance is and the matter should be brought to the attention of the Northern Ireland Audit Office. He concluded that although there was no reasoning for the deadline, he understood that it was mandatory that Council set the rate by 15 February. He proposed that the meeting be postponed for one week to seek legal advice and make contact with NI Audit Office. He was emphatic that Members and Council should fight for the rate payer and they should not be forced to base a rate on an assumed budget.

Proposed by Councillor Monteith

That Council postpone the meeting for one week to

- (i) Seek legal advice on the governance regarding setting a rate without knowledge of the rates support grant; and
- (ii) Raise the matter with the Northern Ireland Audit Office.

The SD: CSF said Councillor Monteith's points were both valid and accurate but that that NI Audit Office, Internal Audit, the Department for Communities and Department of Finance were fully aware of the inadequacies of the rate support grant notification process. The Council's previous judicial reviews had resulted in the process being well documented in court but even if Council adopted Councillor Monteith's proposal, it would be ambitious to expect an acknowledgement of the letter much less a reply by the deadline. He said that the NI Audit Office had not previously raised the query or mentioned the risks involved despite having reviewed in detail Council's discussions and the supporting reports which outlined the facts in relation to rate support grant uncertainties every year when the district rate was struck. He concurred with the Member's sentiments but would not advise postponing the meeting.

In relation to Councillor Mallaghan's comments, the SD: CSF noted that the Member had flagged up areas that officers could reflect on. He said the Member's calculations were correct, but noted that before the discussion within the Chamber became a series of competing bids to reduce the proposed budget and associated district rate further, he wished to emphasise that should Council choose to go below the 7.3% increase in district rate proposed by Councillor Mallaghan, he would recommend to the Chief Executive that, in his opinion, the Council's reserves would no longer be adequate and that to proceed to strike a rate on that basis would be unwise. He stressed again that, in his opinion, a district rate increase of 7.3% would be the definite bottom line.

Referring to Councillor Mallaghan's comments, Councillor Wilson said that some Members always reference the year that the rates did not rise, but never last year when the nationalists Members brought in the highest rate. On a point of clarification, he highlighted the estimated income figure of £100k attributed to Cookstown carparking charges and said he did not think the income should be brought into consideration until after the pilot scheme in Magherafelt.



In response the Chief Executive said that the £100k assumed a successful pilot. He said that the out workings of the pilot would be brought to the Environment Committee. He also highlighted that, as the charges had not been enacted last year following the striking of the 2022/23 district rate, it was a saving which had not been realised the previous year.

Councillor Wilson said that he did not believe the amount would be realised in the incoming year, that he was opposed to carparking charges being introduced in Cookstown, and that carparking charges should not have been brought in on the back of the discussion to strike the rates.

The Chief Executive said that, if the Council decided to remove the estimated £100k income from the proposed budget, then the effect of the proposed £750k savings made by Councillor Mallaghan would only be £650k. He also highlighted that carparking charges are effective across Mid Ulster and that, prior to the introduction of charges in Cookstown, the Council could be subject to the charge that there had been an unequal process across the district. Implementing car parking charges in Cookstown was the right thing to do economically and if the Council was to be seen to be fair to all towns within the district, charges had to be implemented in Cookstown.

Councillor Kerr seconded Councillor Monteith 's proposal and said that Council should do all in its power to minimise impacts on the rate payer. He said that the SD: CSF had alluded to the Council being in unprecedented times and noted that the greed of some corporations that were avoiding paying tax on excessive profits impacts working class people.

The Chief Executive stated that the proposed adjournment would serve no purpose as the changes sought would not happen in the period of a week.

Councillor Cuthbertson said, in relation to Cookstown car parking charges, that Council had to be fair to all and that the Environment Committee had been awaiting a carparking strategy since 2016. He said that he had raised the matter on two occasions and emphasised that it needs to come to a head.

Councillor Kearney said that, across the North, other councils eligible for rates support grant were in the same position. He reminded the Members that NILGA had issued 13 pieces of correspondence in relation to rate support grant and had spent a full year lobbying the relevant departments. He said there were six other councils in receipt of the rates support grant that were in the same position.

The Chair, Councillor Corry called for a vote on Councillor Monteith's proposal

For	2
Against	32
Abstain	3

The Chair Councillor Corry declared the proposal had fallen.

Councillor Milne seconded Councillor Mallaghan's proposal.

Councillor Ashton thanked the officers for their work on the rates estimates and said that she had been involved in rates settings for many years, but this was one of the most difficult. She acknowledged that it was not an easy task and said the pressures on households are high and although difficult to find further savings she said there could be others in addition to those already raised. She proposed to reduce the rate to 4.94% by reducing costs by £1,875,022 as undernoted

payroll pressure	(£1,000,000)
energy pressure	(£536,247)
Hanging baskets/grass cutting	(62,000)
Revenue tail of capital pressure	(£200,000)
Rates Support Grant pressure	(£450,000)
recycling centres budget	£400,000
Dfl Grass Verges	£45,000
Cookstown carparking charges	£100,000
Reserves	(£171,775)

Councillor Quinn thanked officers for their work and said there had been many productive meetings and emails but many of the circumstances was beyond council control. Referring to the £23bn profits declared by Shell, he said that the British Government would do nothing to bring big oil companies into line but would rather reduce the rate support grant. He highlighted the deal reached with trade unions in the summer and said Council must honour that agreement; he also mentioned the Council's capital programme and acknowledged that it is very much the visible proof of what councils do but stated that the proposed increase of 8.9% was too high. He said that, in reflecting on Councillor Mallaghan's proposal, it was similar to the proposal that SDLP representatives with the Council were going to suggest and, acknowledging the SD:CSF's comments regarding the adequacy of reserves, if a reduction to 7.3% was possible, the SDLP would support it. He said Council must do the responsible thing and take rate payers forward. He said that the circumstances in which the Council was operation were not Council's doing, but rather the relevant governments, i.e., the one (in Belfast) that was not sitting and the other (in Westminster) that was unwilling to take action.

Councillor McKinney said the discussion thus far was no surprise as year on year similar stances were adopted. He stated that, although the UUP would be agreeable to most of Councillor Ashton's proposal, they would suggest a further reduction on the estimated wages figure together with a further reduction on the funding proposed to set aside for capital projects. He said that people vote for each Member and those people had to be represented. He said that there had been mention of austerity and cuts from the British government but as a council they should not be ripping the lining out of peoples pockets. Councillor McKinney referred to the previous reference to the Council's previous 0% rise in the rates but said people have told him they can take no more. He said that, irrespective of people's nationality or religion, there is an opportunity for the Council to strike a lower district rate. In identifying areas for potential savings, he highlighted the proposed budget allocation for fuel, and the monies that had come from the British government for Covid that would be used relieve pressures for the rate payer. He said that, in

proposing to strike the rate recommended based on having to replace the £2.4m (that was going to be taken from reserves) that the government had said could be used to benefit rate payers, it was almost like Council was a loan shark asking the rate payer to pay back money that had been gifted to them. He said that, if his proposal was adopted, the increase in the district rate could be dropped to 4.5%.

The SD: CSF thanked Members for their comments and said that the Members were a well informed and engaged group which was positive. He said whilst he could empathise with Members' comments, but as the Chief financial officer in the Council, he had a duty to say that enough is enough. He said that if the proposed net expenditure budget was reduced beyond the £750k previously recommended by Councillor Mallaghan, it would be a step too far in his opinion. He said that he too would like to strike a lower rate but every £250k reduction in the budgeted net expenditure only produced a 4p per week saving in district rates for a rate payer living in a house with an average capital value of £125,000. He pointed out that the rate was struck using a risk-based approach, and that there was an ICT judicial review and a claim against HMRC for over-declared leisure output VAT in the pipeline which would, if successful, bring large one off cash settlements, but explained that, when already existing commitments were taken into account, it was very likely that by 2024/25 Council would be borrowing to deliver capital projects. The SD: CSF further highlighted that recent legislation in relation to climate change would bring additional costs to councils that had not been factored into the 2023/24 rate estimates. He said that to go beyond the proposed 7.3% would be a step too far in his opinion and that if the risks underpinning the officers' rate estimates materialised in the context of a district rate that disregarded those risks, Council could put its solvency in jeopardy. He reminded the Members that, just like directors in a limited company, in striking the rate, they had a fiduciary duty to the Council.

Councillor Cuddy said that throughout the debate points had been made, and the officer team had given their explanations but he would make his observations from a business point of view. He said the world had changed since the Covid 19 pandemic and council had £40m savings, and indoor leisure is not what the future is about as people were now seeking outdoor leisure. He said that there had been massive changes but noted that the funding of capital projects could be further reduced (the officers' proposal included a reduction of £400k in the recurrent funding of £1.5m) as the funding had increased over a three year period from £500k to £1m then £1.5m. As stated previously by Councillor Monteith, each new building adds additional running costs each year. He said that hopefully inflation would reduce and said that Council needed to focus on transformation which should lead to working smarter. He said tougher decisions had to be made.

Councillor Cuddy seconded Councillor McKinney's proposal.

Councillor McLean seconded Councillor Ashton's proposal.

The SD: CSF provided clarification regarding ongoing recurrent rate income intended to fund future capital expenditure, which the officers had proposed in their rate estimates proposal that the Council reduce from £1.5m to £1.1m; this funding is intended to fund borrowing. He advised that, despite the current relatively high cash balance, there was not an abundance of cash and the £1.5m annual income which

had not yet been used to fund loans had contributed to keeping council from having to borrow to date. He concluded that any further reduction in the proposed increase in district rate would have negative consequences for the Council's ability to fund its capital programme.

Councillor McLean asked what the 4.5% reduction as opposed to 4.94% reduction equated to in capital spend.

Councillor McKinney said that he had calculated the amount to be £350k approximately. He also stated that the Council's capital programme needed to be reviewed as some projects had experienced drastically increased costs relative to their budget and he felt that Council needed to be realistic in its ambitions.

The Chair, Councillor Corry stated that Councillor McKinney's proposal should specify how the proposed net expenditure budget could be reduced to reach the figure of 4.5%.

In response Councillor McKinney said it could come from the £1.1m currently within the rate income that was reserved for funding capital projects.

The Chief Executive said that the capital projects reflect the Council's corporate plan which is ultimately how elected Members deliver upon the aspirations of the residents of the district. He said that if Council have been over ambitious in its capital aspirations, a revised capital programme would be recommended to the Council for consideration through the Environment Committee. In response to Councillor McKinney's comments in relation to the cost of some capital projects, he said that recent massive increases in inflation had dramatically impacted the cost of projects and, where possible, the officers had negotiated additional funding from funders, including SEUPB to mitigate the cost to the Council. He said that everyone understood the need to manage the cost of capital projects but if Council did not deliver the projects no one else would.

Councillor Colvin said that when the UUP had looked at rates proposals they had asked for statistics for Seamus Heaney HomePlace which, when provided, detailed that 11k people visited the centre in the past year and that the facility cost the Council £600k over the same period. He said that, if the Council was in transformation mode, he would ask the officer team to look at these costs as the Council can't just decide that any facility is sacrosanct. He said that he had previously known centres to have been launched with a great fan fare only to quickly become white elephants. He stated that hard decisions had to be made and if centres such as Seamus Heaney HomePlace could not pay their way, they had to be looked at.

Councillor Kerr asked if the percentage increase in district rate was lower than 7.3%, would it mean that centres will close.

The Chief Executive advised the outline paper detailed the costs supporting the officers' proposals for striking the district rate and setting the net expenditure budget for 2023/24.

Councillor McFlynn said that setting the rate is always difficult but noted that it must also be acknowledged Mid Ulster have a great staff team and whilst she did not like to increase the rates, the council did deliver great projects. She said that Seamus Heaney had won the Nobel Prize and that the Council should be thankful to have the centre within its district and the tourism developing around it. She concluded that the Council should take a pride in the great district it has and be prepared to make the hard decisions required.

Councillor Cuthbertson asked if the 7.3% proposal would mean recycling centres would remain open and the grass verges cut. He asked what would happen to the staff.

The Chief Executive stated that there would be no compulsory redundancies and that the rate estimates proposals had regard to the lifespan of the various recycling centres. He said that millions of pounds had been spent on modern facilities at the recycling centres in the district's three main towns; these three facilities had the capacity to serve the whole of Mid Ulster. Regarding grass cutting, he said that the officers had made it clear to DfI that the Council would not cut grass on land which was the responsibility of DfI when it did not have sufficient budget to maintain grass cutting on its own lands. He advised that the proposed discontinuance of grass cutting related to the cutting of grass that should be being cut by DfI. He further advised that correspondence had been issued to DfI to request that the DfI either resume the cutting of grass verges or compensate the Council financially for it cutting the grass on DfI's behalf. He concluded by drawing the Members' attention to the fact that, if the Council restricted the increase in its district rate to 7.3%, the Council would still have a cut in budget in real terms as inflation was running at approximately 10%. In such circumstances, the Council had to prioritise maintaining its own facilities as opposed to cutting grass for DfI without being remunerated for the service.

Councillor Cuthbertson replied that in essence there would be no grass cut in the entrance to villages at the 30mph zones. He further queried the decision to centralise recycling facilities on the premise of inadequate health and safety arrangements at smaller facilities; he felt that if there were health and safety concerns at any facility, they should have been highlighted and addressed previously instead of being presented as the reason for the mass closure of smaller facilities.

Councillor Burton thanked the officers for their efforts in preparing the 2023/24 rate estimates but noted that, when you consider what rate payers expect, she would know that those on the periphery of Mid Ulster such as Fivemiletown would take the proposed service cuts badly. She said that she thought that the Council should have consulted local people regarding the potential closure of recycling centres before recommending the closures as part of the rate estimates process. She indicated that the closures could result in waste being dumped at the gates of the former centres. Councillor Burton also reminded the Members that the Council had invested money in Fivemiletown recycling centre when it closed the Clogher site closed and suggested that cognisance should be given on the distance people were expected to travel, for example from Fivemiletown to Dungannon, before any site was closed. She concluded that, if the Council was determined to close facilities, the Council should be able to develop a compromise solution that would help people impacted

by closures to deal with their waste, perhaps by a weekly collection service, and by seeking clarity as to what would happen the staff from facilities that were closed.

The Chief Executive replied that the Director of Environment would bring a report to the Environment Committee to set out the detail of the closures. He further advised that, in relation to affected staff, although nothing was set in stone, he anticipated that both the staff and the Council had to be agile and willing to change. He said that currently there is insufficient resources to fund the Council's ambitions, and that staff were aware that budgets over the next four to six years would have to be tighter to cope with ongoing and continuing economic pressures. He reiterated there was no appetite for compulsory redundancies and that, with the public appearing to want more outdoor leisure facilities, it was likely that the Council would, where practicable, be redirecting existing resources to these areas.

The Chair, Councillor Corry said everyone needed to be realistic and to keep in mind the cost pressures being faced. She said that the Council's capital programme reflected the changing demands for Council services and it was important that the programme was adequately resourced.

The Chair, Councillor Corry put Councillor Mallaghan's proposal to the vote.

For 22

Against 16

The Chair, Councillor Corry declared the proposal as undernoted carried:

Proposed by Councillor Mallaghan  
Seconded by Councillor Milne and

**Resolved** That the officers, having regard to the Members' comments and suggestions, identify a further £750k savings to be reflected in the Council's proposed net expenditure budget for 2023/24 and that the associated 2023/24 district domestic Rate be struck at 0.3761 to reduce the proposed increase in the district domestic Rate from 8.9% to 7.3%.

**SC007/22 Approval of Rates Estimates for 2023/24**

- (i) Authorisation of the expenditure included in the Estimates
- (ii) Fixing for the Financial Year beginning 1 April 2023 the amount to be raised by means of rates and striking the domestic and non-domestic rate for 2023/24

**Resolved** That Council

- (i) Approve the estimates as revised to reflect the Council’s decision to agree a budget and strike a Rate which would reflect a 7.3% increase in the district domestic Rate from the previous year (2022/23);
- (ii) Authorise the net expenditure within the revised estimates, which following adjustment equates to £53,255,370;
- (iii) Strike non-domestic and domestic Rates of 25.4449 and 0.3761 respectively, which will reflect a 4.32% and 7.3% increase respectively from the equivalent 2022/23 district Rates;
- (iv) Authorise the Chief Executive to vire such amounts between budget headings as he deems necessary to secure Council’s objectives in 2023/24.

**SC008/22 Robustness of Rate Estimates 2023/24**

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

**SC009/22 Adequacy of Council’s Reserves for 2023/24**

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

**SC010/22 Duration of Meeting**

The meeting was called for 7.00 pm and ended at 8.21 pm.

Chair \_\_\_\_\_

Date \_\_\_\_\_

## **Annex A - Introductory Remarks from Chairperson**

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

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

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

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

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



**Minutes of Meeting of Planning Committee of Mid Ulster District Council held on Tuesday 7 February 2023 in Council Offices, Ballyronan Road, Magherafelt and by virtual means**

**Members Present** Councillor Mallaghan, Chair

Councillors Bell\*, Black\*, Brown, Clarke, Colvin, Corry, Cuthbertson, Glasgow, Martin\*(7.10 pm), McFlynn, McKinney, D McPeake, S McPeake, Quinn\*(7.03 pm), Robinson

**Officers in Attendance** Dr Boomer, Service Director of Planning (SD: PI)  
 Ms Doyle, Head of Local Planning (HLP)  
 Ms Donnelly, Council Solicitor  
 Mr Marrion, Senior Planning Officer (SPO)  
 Ms McKinless, Senior Planning Officer (SPO)  
 Mr McClean, Senior Planning Officer (SPO)  
 Miss Thompson, Committee and Member Services Officer

**Others in Attendance** Councillor Gildernew\*\*\*  
 Councillor S McGuigan\*\*\*  
 Ms Kiley, Barrister\*\*\*

LA09/2022/0520/F	Mr Ross***
LA09/2022/1326/O	Ms McGahan***
	Mr Maneely
LA09/2022/1426/O	Councillor N McAleer***
LA09/2020/1140/O	Councillor Monteith
	Councillor B McGuigan
LA09/2021/0599/O	Ms Muldoon***
LA09/2021/0719/F	Mr Cassidy***
LA09/2021/1182/F	Councillor Molloy***
	Ms Curtin
LA09/2022/0437/F	Mr Cassidy***
LA09/2022/1226/O	Mr Cassidy***
LA09/2022/1230/O	Mr Cassidy***

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

\*\* Denotes Officers present by remote means

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

The meeting commenced at 7.00 pm

**P012/23 Notice of Recording**

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

**P013/23 Apologies**

None.

**P014/23 Declarations of Interest**

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

**P015/23 Chair's Business**

The Service Director of Planning (SD: PI) highlighted that prior to Christmas the other Councils launched their planning portal and referred to the press coverage since then on the problems being experienced with this new portal. The SD: PI stated that this Council had been wise to ensure that its own system worked when it went live. The SD: PI stated that he had no doubt that the problems related to the Department's planning portal will be resolved however he felt that on looking at that Department's portal he was convinced that this Council made the right decision in terms of best value and also product as he felt this Council has the better of the two portals.

The SD: PI referred to addendum and letter therein from Department for Infrastructure in relation to the Planning Improvement Programme and what Council is doing in relation to this. The SD: PI referred to the questions posed within the letter as follows and suggested responses –

Good record keeping and transparency in recording of decisions – The SD: PI felt that this Council is the most transparent of all the authorities and he would reflect this as he already had to the Audit Public Accounts Committee.

Planning authorities should regularly review past decisions to understand real world outcomes – The SD: PI felt that this would be a good thing and once at the summer period he would ask the Head of Development Management to look at some of the decisions taken on more controversial applications.

Committee Minutes in relation to where the Committee takes a decision contrary to the planning officer recommendation – The SD: PI advised that this Council has the lowest number of overturned decisions and that he was not overly concerned on this as he always pushes Members to explain their reasoning in such a situation and that this is properly recorded in the minutes.

Minutes should outline reasons why an application is brought to committee – The SD: PI advised that this information is detailed on the front of the officer report.

Immediate action is required to ensure the system is operating fairly and appropriately with regard to overturn rates – The SD: PI stated he had no concerns in relation to this and that if he did he would advise the Committee.

Rural housing policy should be implemented equally and consistently – The SD: PI stated that the rural housing policy is as set out and that he felt it was being implemented equally and consistently. The SD: PI advised that the policy does be

balanced against other material considerations and that this is recorded which is how the planning system is supposed to operate. The SD: PI stated that he felt there were differences in how this Council operates compared to other Councils.

Consistency in enforcement outcomes should be investigated and best practice shared – The SD: PI stated that there are structures in place for sharing best practice, he highlighted that there is a difference in that this Council operates enforcement based on lodged complaints as opposed to looking for cases to open. The SD: PI stated it is up to each Council to decide how it wants to operate its enforcement system.

Training in terms of Officers and Members – The SD: PI advised that Covid affected the ability to keep officer training up to date but that there is a professional development programme in place for officers which will now be returning to a more normalised position. The SD: PI referred to the upcoming elections in May and that training programmes for Members will take place in June when the composition of the planning committee becomes known.

The SD: PI stated that if Members were content he would respond to the correspondence from the Department as outlined above.

Members were agreeable to the approach and responses as outlined.

The SD: PI drew attention to addendum and appeal decision outlined with regard to dwelling on a farm and interpretation regarding 10 year rule. The SD: PI highlighted that the appeal was dismissed.

The Chair, Councillor Mallaghan referred to the below applications which were on the agenda for determination and sought approval to have the following applications deferred from tonight's meeting schedule for an office meeting –

Agenda Item 5.1 – LA09/2019/1430/F - 4 new dwellings, associated parking, landscaping, roads and footpath at lands 110m SE of 30 Pound Road, Magherafelt.

Agenda Item 5.4 - LA09/2021/1260/O - Dwelling and garage at approx. 80m E of 24 Garrison Road, Magherafelt.

Agenda Item 5.5 - LA09/2021/1286/O - Dwelling and garage at 30m SW of 30 Cloane Road, Draperstown.

Agenda Item 5.6 - LA09/2021/1385/F - Widening of previously approved vehicle access position to allow paired access onto the Moneysharvin Road at 250m N of 2 Gortinure Road, Maghera.

Agenda Item 5.10 - LA09/2021/1779/O - Domestic dwelling and garage on a farm at 30m SW of 3 Macknagh Lane, Upperlands.

Agenda Item 5.12 - LA09/2022/0201/O - Single storey dwelling adjacent to 64 Reaskmore Road, Reaskmore, Dungannon.

Agenda Item 5.13 - LA09/2022/0249/O - Dwelling & domestic garage on a farm at land adjacent to & immediately S of 14 Tychaney Road, Ballygawley.

Agenda Item 5.16 - LA09/2022/0490/O - Dwelling and garage on a farm at 194M SW of 8 Killybearn Lane, Cookstown.

Agenda Item 5.18 - LA09/2022/0551/F - Two storey dwelling at lands at 64 Drumcoo Green, Dungannon.

Agenda Item 5.20 – LA09/2022/0732/O - Dwelling and garage at 110m NE of 26 Broagh Road, Knockcloghrim, Magherafelt.

Agenda Item 5.21 - LA09/2022/0739/F - Buildings to house wood and coco fibre plant, storage bay, chip feed bin, access (in situ) and ancillary site works. at lands approx. 7m N of 16 New Ferry Road, Bellaghy.

Agenda Item 5.22 - LA09/2022/1061/O - Dwelling and garage at lands 160 Metres NE of 136 Mayogall Road, Clady.

Agenda Item 5.23 - LA09/2022/1062/O - Dwelling and garage at 95m S of 4 Drumgarrell Road, Cookstown.

Agenda Item 5.25 - LA09/2022/1413/O - Site for dwelling and garage on a farm at 90m N of 2A Brackaghreilly Road, Maghera.

Agenda Item 5.26 – LA09/2022/1419/O - Detached bungalow with associated external private amenity space and garage at lands W of 4,5, 6 & 7 Riverdale Drive, Cookstown.

Agenda Item 5.28 - LA09/2022/1504/O - Site for dwelling and domestic garage at 160m NE of 116 Lurgylea Road, Dungannon.

Agenda Item 5.29 - LA09/2022/1512/O - Two storey dwelling with single storey garage, associated ancillary site works, landscaping and new access to the public road at 25m N of 15 Annaginny Road, Dungannon.

Councillor Brown stated he was content to propose the deferrals but referred back to the documentation sent through on Friday and that there was to have been a request for deferral sent through for agenda item 6.7, the Councillor asked if this had been received.

The Head of Local Planning (HLP) advised that a request for deferral was received from the agent and within that request it was outlined that additional information would be submitted. The HLP advised that she contacted the agent to clarify what the additional information would be and it was advised that the applicant had met with an MLA and that there would be a request for a deferral from the MLA for an office meeting. The HLP advised that there had been no request received for a deferral from an MLA for this application.

The SD: PI advised that MLAs have no status within the planning committee and that an application would not automatically be deferred because an applicant had gone to

an MLA. The SD: PI stated that this was an application which had already been deferred and therefore would not automatically be deferred again but highlighted that when this item is being considered later in the meeting Members can take their own decision.

Councillor S McPeake seconded Councillor Brown's proposal to defer the items listed above.

**Resolved** That the planning applications listed above be deferred for an office meeting.

## **Matters for Decision**

### **P016/23 Planning Applications for Determination**

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

**LA09/2019/1430/F 4 new dwellings, associated parking, landscaping, roads and footpath at lands 110m SE of 30 Pound Road, Magherafelt for Noeleen Kidd**

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

**LA09/2021/0090/F Replacement access laneway to dwelling (amended access) at 37 Mullybrannon Road, Dungannon for Farasha Properties Ltd**

**LA09/2021/0091/F Dwelling and garage (amended access and additional landscaping) at 150m SW of 35 Mullybrannon Road, Dungannon for Farasha Properties Ltd**

Members considered previously circulated report on planning applications LA09/2021/0090/F and LA09/2021/0091/F which both had a recommendation for approval.

Proposed by Councillor McKinney  
Seconded by Councillor McFlynn and

**Resolved** That planning applications LA09/2021/0090/F and LA09/2021/0091/F both be approved subject to conditions as per the officer's reports.

**LA09/2021/1260/O Dwelling and garage at approx. 80m E of 24 Garrison Road, Magherafelt for Donna & Danny O'Shea**

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

**LA09/2021/1286/O Dwelling and garage at 30m SW of 30 Cloane Road,  
Draperstown for Sean Gallagher**

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

**LA09/2021/1385/F Widening of previously approved vehicle access position to  
allow paired access onto the Moneysharvin Road at 250m N  
of 2 Gortinure Road, Maghera for Mr Rafferty**

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

**LA09/2021/1575/RM Demolition of workshop & erection of a 1.5 storey  
detached dwelling at to the rear of 11 Adair Gardens,  
Cookstown for R & F Developments**

Members considered previously circulated report on planning application  
LA09/2021/1575/RM which had a recommendation for approval.

Proposed by Councillor Colvin  
Seconded by Councillor Glasgow and

**Resolved** That planning application LA09/2021/1575/RM be approved subject to  
conditions as per the officer's report.

**LA09/2021/1652/F Entrance to approved site at 85m E of 3 Tulnacross Road,  
Cookstown for Wesley Carson**

Ms McKinless (SPO) presented a report on planning application LA09/2021/1652/F  
advising that it was recommended for refusal.

Councillor Brown proposed writing to the agent asking them to reconsider moving  
the entrance out of the flood plain.

Councillor McKinney seconded Councillor Brown's proposal.

**Resolved** That planning application LA09/2021/1652/F be deferred to seek an  
amended access to the site.

**LA09/2021/1739/F Sand and gravel extraction using dry screeners/loading  
shovel. Proposed access road including passing bays,  
wheel wash and welfare facilities. Construction of noise  
attenuation bund. (Renewal of H/2014/0019/F) at rear of 5  
Brackaghlistea Road, Desertmartin for Mea Ltd**

Members considered previously circulated report on planning application  
LA09/2021/1739/F which had a recommendation for approval.

Proposed by Councillor Corry  
Seconded by Councillor McKinney and

**Resolved** That planning application LA09/2021/1739/F be approved subject to conditions as per the officer's report.

**LA09/2021/1779/O Domestic dwelling and garage on a farm at 30m SW of 3 Macknagh Lane, Upperlands for Mrs Mary Rafferty**

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

**LA09/2022/0131/F Storage/warehouse for the storage of metal components at 111 Ballynakilly Road, Coalisland for James Mackle**

Members considered previously circulated report on planning application LA09/2022/0131/F which had a recommendation for approval.

Proposed by Councillor S McPeake  
Seconded by Councillor Corry and

**Resolved** That planning application LA09/2022/0131/F be approved subject to conditions as per the officer's report.

**LA09/2022/0201/O Single storey dwelling adjacent to 64 Reaskmore Road, Reaskmore, Dungannon for Kieran McGartland**

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

**LA09/2022/0249/O Dwelling & domestic garage on a farm at land adjacent to & immediately S of 14 Tychaney Road, Ballygawley for Jenna Robinson**

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

**LA09/2022/0418/F 2 pair of semi detached houses (4 houses) to replace detached house M/2013/0071/F at 1 Castle Glen Avenue, Ranfurly Road, Dungannon for M & L Property Developments Ltd**

Members considered previously circulated report on planning application LA09/2022/0418/F which had a recommendation for approval.

Proposed by Councillor McFlynn  
Seconded by Councillor Colvin and

**Resolved** That planning application LA09/2022/0418/F be approved subject to conditions as per the officer's report.

**LA09/2022/0440/F Residential development of 30 dwellings (3 & 4 bed detached and semi-detached houses) with associated access & parking, landscaping and public open space at 140 Old Caulfield Road, Castlecaulfield, Dungannon for Alskea Ltd**

Members considered previously circulated report on planning application LA09/2022/0440/F which had a recommendation for approval.

Proposed by Councillor S McPeake  
Seconded by Councillor Corry and

**Resolved** That planning application LA09/2022/0440/F be approved subject to conditions as per the officer's report.

**LA09/2022/0490/O Dwelling and garage on a farm at 194M SW of 8 Killybearn Lane, Cookstown for Martyn Devlin**

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

**LA09/2022/0520/F 30m telecommunication mast with 3No. antennae, 3no. radio units and 2No. radio dishes; to include an equipment compound and associated ancillary development at lands C.107m S of 19 Lisnagleer Road, Dungannon for Cornerstone**

Members considered previously circulated report on planning application LA09/2022/0520/F which had a recommendation for approval.

Councillor Colvin proposed the recommendation.

Councillor Corry seconded Councillor Colvin's proposal.

Councillor Brown stated that the proposal is to replace an existing mast and highlighted that the existing mast has four providers on it. The Councillor stated that the proposal is only for two providers and also referred to a further application in the system for another pole with two providers. Councillor Brown asked if there had been any discussions with the applicants as to why the pole can't be for all four providers given that the existing mast is for four providers. The Councillor referred to policy CTY10 in relation to pole sharing and stated that if there have been no discussions is this something that should be looked at as there would be no desire to have a lot of unnecessary additional poles going up around the country.

Mr Marrion (SPO) stated that there was an application for a street works pole which has already been approved and that officers have had discussions with the applicant to try to understand what is happening and the need for the new telecoms mast. It was advised that the new mast is needed as the permission for the current mast has been revoked by the landowner and therefore the existing mast has to be removed. Mr Marrion advised that there have been discussions to explore having all providers on one site but that nothing has come forward in that regard.



Councillor Brown asked for clarification if an application had already been approved.

Mr Marrion advised that there was one application which had already been approved, the application before Members tonight and then a further application which is still to be determined, three applications in total in the area.

The SD: PI advised that it was reasonable in the circumstances to defer the application for an office meeting.

The Chair, Councillor Mallaghan stated that Councillor Brown had raised an interesting series of questions and invited Mr Ross to speak on the application.

Mr Ross stated that the existing mast has to be removed as the landowner has decided that they do not want the mast on their land anymore. Mr Ross advised that the providers have gone to find new sites and that there are a variety of options but that in this case two of the operators have decided they want to build slimline poles along the roadside which will service their needs whilst two of the providers want to build a mast which is taller which fits in with their wider cell network. Mr Ross stated that to service the two providers a 30m slimline lattice tower can be built however if the mast had to service three providers then the tower would need to be 5m taller and of a stronger structure so it was felt that, on balance, a suitable solution is to have two providers on one mast and the other two providers each have a street pole. Mr Ross stated that the situation has been thought out and a lot of effort has been put into finding a solution for all providers in this locality.

The SD: PI asked to see drawings of each of the applications.

Members were shown image of mast being proposed.

Members agreed to come back to this item when drawings of the approved application and other application still to be determined could be provided.

**LA09/2022/0551/F Two storey dwelling at lands at 64 Drumcoo Green, Dungannon for Ryan Graham McCurry**

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

**LA09/2022/0556/O Domestic dwelling and garage adjacent to 37 Moss Road, Ballymaguigan, Magherafelt for Ciara McGrath**

Ms McKinless (SPO) presented a report on planning application LA09/2022/0556/O advising that it was recommended for refusal.

Councillor McFlynn stated this was a rural road which is close to Ballymaguigan School and that she felt a site visit would be beneficial in this case. Councillor McFlynn proposed that a site visit be held.

Councillor D McPeake seconded Councillor McFlynn's proposal.

**Resolved** That planning application LA09/2022/0556/O be deferred for a site visit.

**LA09/2022/0732/O Dwelling and garage at 110m NE of 26 Broagh Road, Knockcloghrim, Magherafelt, for Martin McErlean**

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

**LA09/2022/0739/F Buildings to house wood and coco fibre plant, storage bay, chip feed bin, access (in situ) and ancillary site works. at lands approx. 7m N of 16 New Ferry Road, Bellaghy for Bulrush Horticultural Ltd**

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

**LA09/2022/1061/O Dwelling and garage at lands 160 Metres NE of 136 Mayogall Road, Clady, for Colm McNally**

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

**LA09/2022/1062/O Dwelling and garage at 95m S of 4 Drumgarrell Road, Cookstown, for Mr Ryan O'Neill**

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

**LA09/2022/1326/O Dwelling and detached garage at lands 45m SE of 101 Drummurrer Lane, Coalisland for Michael Quinn**

Mr Marrion (SPO) presented a report on planning application LA09/2022/1326/O advising that it was recommended for refusal.

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

Ms McGahan advised that she was speaking against the application and that passing this type of development would create an undesirable precedent not only in Drummurrer Lane but across Mid Ulster. Ms McGahan felt it would be difficult to challenge other 'cluster' applications of the same nature and would quickly result in the erosion of rural character across the Council area. Ms McGahan stated that to approve the application would result in another detrimental precedent of the acceptance of ribbon development which is strictly prohibited under policy. Ms McGahan stated that policy is there to guide and protect and any diminishment of this would open floodgates for irreversible and unfavourable development across the council area. Ms McGahan stated that the property and outbuildings at 101 Drummurrer Lane are subject to demolition and a small farm holding is no longer in use. Ms McGahan stated that she believed this application was contrary to policy CTY1, CTY2a, CTY8 and CTY14.

Mr Maneely stated that a request for a deferral had been made for an office meeting but that it appeared this had not reached the planning team.

The SD: PI asked if the request had been made in time and through the Committees Section.

Mr Maneely advised that the request was made through an MP.

The SD: PI stated that the request was not received.

Mr Maneely stated that this was an outline application for a dwelling in the countryside. Mr Maneely stated that clustering was not mentioned in the planning application however it was referred to in the officer report. Mr Maneely stated that policy CTY1 advises that a range of development is acceptable in the countryside and that this includes dwellings sited in a cluster of buildings or if the development is in a small gap site within a built up frontage. Mr Maneely outlined that policy CTY2a states that planning permission will be granted for dwellings if the existing cluster meets criteria in that it lies outside of a farm and consists of four or more buildings excluding ancillary buildings such as garages and at least three dwellings. Mr Maneely stated there are at least six residential properties around the proposal site. Mr Maneely stated that policy states that the cluster should appear as a visual entity on the local landscape and with road frontage properties in a linear development. Mr Maneely referred to focal points and advised that there is a crossroads within 50m of the proposal which is not shown on the map nor a number of existing dwellings. Mr Maneely referred to requirement regarding enclosure and advised that there are two residential properties existing to the west and north of the site. Mr Maneely stated that the proposal will not impact on rural character and that the site shows a gap in building line on Drummurrer Lane and that the site meets the aspirations as laid out for new buildings in existing clusters and that to the north of the site there is 110m of uninterrupted residential development, four dwellings, which have a single junction on to the road and then paired off after that. Mr Maneely stated that to the south of the site there is 310m of uninterrupted development, six dwellings and a commercial facility and that there are seven existing access points off the Drummurrer Lane. Mr Maneely stated that access to this site has been positioned along a strong mature hedge and that it is believed this site has many possibilities and asked for a deferral in order to discuss the application further.

Councillor Colvin stated that there are a lot of crossroads around the country and if that is being used as a focal point he did not feel it was a robust argument. Councillor Colvin stated that the planning officer was recommending refusal of the application and that he proposed to accept the recommendation.

Councillor McFlynn seconded Councillor Colvin's proposal.

**Resolved** That planning application LA09/2022/1326/O be refused on grounds stated in the officer's report.

**LA09/2022/1413/O Site for dwelling and garage on a farm at 90m N of 2A Brackaghreilly Road, Maghera, for Mr Tomas Convery**

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

**LA09/2022/1419/O Detached bungalow with associated external private amenity space and garage at lands W of 4,5, 6 & 7 Riverdale Drive, Cookstown for Mr Sammy Lyle**

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

**LA09/2022/1426/O Site for dwelling and garage within a cluster at 40m NE of 178 Battery Road, Moortown for Peter Devlin**

Mr Marrion (SPO) presented a report on planning application LA09/2022/1426/O advising that it was recommended for refusal.

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

Councillor N McAleer proposed a site visit in order to give Members a better understanding of how the proposal would blend into the existing cluster of properties. Councillor N McAleer stated he did not think the proposal would result in urban sprawl as it would be hemmed in by the GAA grounds and properties to the east and west of the site.

Councillor Bell seconded Councillor N McAleer's proposal for a site visit. Councillor Bell stated he is from the area and would concur with the comments made by Councillor N McAleer.

The SD: PI stated he was conscious that the Committee had just dealt with an application where the argument was for a cluster and it was concluded to refuse the application. The SD: PI stated he did not hear an argument presented that this proposal is within a cluster and it poses the question what is the purpose of the site visit.

Councillor McKinney asked how far the proposal is from the existing piggery.

Mr Marrion showed on the map the proximity of the piggery to the proposal site.

The Chair, Councillor Mallaghan referred to the report and the focal point being inside the settlement limit and asked where focal point is.

Mr Marrion advised that there is no focal point as development within the settlement limit cannot be used as an argument for a dwelling in the countryside. It was advised that to the north of the site there is a football club and grounds however this does not associate with the proposal site.

The SD: PI asked if the piggery was associated with the site.

Mr Marrion advised that the piggery is not related to the applicant.

Councillor S McPeake stated that it would depend on the scale and nature of the piggery in that a small piggery may not be as much of nuisance as an industrialised unit. The Councillor felt it would be useful to see how close the football ground is to the site and that a site visit may be beneficial.

Members were shown an aerial image of the site and the proximity of the football ground.

The SD: PI stated that the aerial image was helpful and that he felt the wrong argument had been presented in that it is not development within a cluster but could be rounding off and that he would be content for Members to take a look at the site.

Councillor Cuthbertson asked that if the farmer wanted to extend his holding in the future would the dwelling then have rights to object to this.

The SD: PI stated the officers would have to consult with environmental health in relation to the piggery.

Councillor Colvin asked if piggeries are a material consideration.

The SD: PI advised that it should be treated like any other business. The SD: PI advised that when a house is built certain rights go to the occupant and the occupant can then make certain complaints which environmental health would need to investigate. This could result in action being taken which is why the scale of the operation should be ascertained.

**Resolved** That planning application LA09/2022/1426/O be deferred for a site visit.

**LA09/2022/1504/O Site for dwelling and domestic garage at 160m NE of 116 Lurgylea Road, Dungannon for Mr Patrick Clarke**

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

**LA09/2022/1512/O Two storey dwelling with single storey garage, associated ancillary site works, landscaping and new access to the public road at 25m N of 15 Annaginny Road, Dungannon for Mr and Mrs Philip Brown**

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

**LA09/2022/1535/F Two storey dwelling, access and associated works (development already commenced- M/2009/0016/F) adjacent to 71 Aghintober Road, Dungannon for Mr A McManus**

Members considered previously circulated report on planning application LA09/2022/1535/F which had a recommendation for approval.

Proposed by Councillor Clarke  
Seconded by Councillor McFlynn and

**Resolved** That planning application LA09/2022/1535/F be approved subject to conditions as per the officer's report.

**LA09/2022/1623/F Change of house type and relocation of extant planning  
LA09/2018/1657/F Curtilage to be extended with garage to  
remain as previously approved at site between 117 and 119  
Mullaghboy Road, Bellaghy, for Bronagh and Paul Doherty**

Members considered previously circulated report on planning application LA09/2022/1623/F which had a recommendation for approval.

Proposed by Councillor McFlynn  
Seconded by Councillor S McPeake and

**Resolved** That planning application LA09/2022/1623/F be approved subject to conditions as per the officer's report.

**Continuation of  
LA09/2022/0520/F 30m telecommunication mast with 3No. antennae, 3no.  
radio units and 2No. radio dishes; to include an equipment  
compound and associated ancillary development at lands  
C.107m S of 19 Lisnagleer Road, Dungannon for  
Cornerstone**

Members were shown image of the street works pole proposed on A29 at junction with Lammy Road. Members were also shown the street works pole which has been approved on A29 at Agharan Road junction.

Councillor Brown asked how many providers were on the approved street works pole.

Mr Marrion advised that there was one provider on the street pole approved.

Councillor Colvin stated that the images looked acceptable and that one of the complaints he gets in the area is that broadband is poor. Councillor Colvin stated he had previously made a proposal to proceed with the officer recommendation and that he would continue to stand by his proposal.

The Chair, Councillor Mallaghan stated it had been useful to see the images of the different types of masts and that the street poles were less obtrusive than the lattice towers.

Councillor Glasgow seconded Councillor Colvin's proposal.

**Resolved** That planning application LA09/2022/0520/F be approved subject to conditions as per the officer's report.

**LA09/2019/0768/F Retention of two storage sheds and yard at lands 70m W of  
33 Kanes Rampart, Coalisland, for Barran Yennie Peat  
Products**

Members considered previously circulated report on planning application LA09/2019/0768/F which had a recommendation for approval.

Proposed by Councillor Colvin  
Seconded by Councillor McFlynn and

**Resolved** That planning application LA09/2019/0768/F be approved subject to conditions as per the officer's report.

**LA09/2019/1051/O Site for a dwelling and domestic garage at Approx 80m S of 103 Moyagall Road, Magherafelt for Mr Conor O'Neill**

*Councillor S McPeake declared an interest in this application.*

Members considered previously circulated report on planning application LA09/2019/1051/O which had a recommendation for approval.

Proposed by Councillor D McPeake  
Seconded by Councillor Corry and

**Resolved** That planning application LA09/2019/1051/O be approved subject to conditions as per the officer's report.

**LA09/2020/0213/F Restructuring and alterations of vehicular access at 18 Cookstown Road, Dungannon for Mr Barry O'Neill**

Members considered previously circulated report on planning application LA09/2020/0213/F which had a recommendation for approval.

Proposed by Councillor McKinney  
Seconded by Councillor McFlynn and

**Resolved** That planning application LA09/2020/0213/F be approved subject to conditions as per the officer's report.

**LA09/2020/0905/F Retention of change of use of former farm shed to engineering works at Approx 40m S of 28 Slatmore Road, Clogher for Wiltshire Engineering**

Members considered previously circulated report on planning application LA09/2020/0905/F which had a recommendation for approval.

Proposed by Councillor Cuthbertson  
Seconded by Councillor McFlynn and

**Resolved** That planning application LA09/2020/0905/F be approved subject to conditions as per the officer's report.

**LA09/2020/1140/O Dwelling on a farm with a detached garage between 104 Ballygawley Road and an agricultural building 100m NE of 104 Ballygawley Road, Glenadush for Mr Bernard McAleer**

The Head of Local Planning (HLP) presented a report on planning application LA09/2020/1140/O advising that it was recommended for refusal.

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

Councillor Monteith stated that it has been well laid out twice by the planners as to why the application is unsuitable. Councillor Monteith stated that it is important that the application is refused and it is vital to stick to planning policy to ensure that the rural way of life and farming way of life is maintained and it is clear that this is not a farm holding and there is no history of farming on the site. Councillor Monteith stated that on the day of the site visit no access was permitted to the agricultural building despite a request to do so. Councillor Monteith stated that a mud wall has also appeared on the site to hide it from the road. Councillor Monteith stated that the Lamont decision removes any ambiguity and potential for exception to be made which would leave the Council open to legal challenge if the planning officer recommendation was overturned. Councillor Monteith stated that it is important to adhere to policy in this case.

Councillor B McGuigan referred to points from the deferred consideration report. Councillor B McGuigan stated he was satisfied that the proposal satisfies criteria A and B of policy CTY10. In relation to criteria C, the Councillor felt that the planning officer interpretation will prevent all farmers who only have one building or no buildings on their holding from ever gaining permission to build a dwelling on the farm. The Councillor stated that Members may feel this is unduly harsh and as such may wish to exercise an exception to policy. In relation to policy CTY13 it is considered that should a dwelling be allowed on the site it can be conditioned to a ridge height of 5.5m and would therefore not appear to be prominent on the landscape. Having been to the site visit, Councillor B McGuigan stated he agreed with the previous assessment and did not consider that a new dwelling would adversely impact on rural character of the area and that previous reports address all concerns raised by the objectors to the application. Councillor B McGuigan stated that there has been a lot of weight attached by the objector to the Lamont decision where the planning permission was quashed. The Councillor stated that the issue with that case was in relation to internal DoE planning processes and the way they documented the interpretation of the policy and the approval. Councillor B McGuigan stated that the DoE approved that particular site stating that it was fully in accordance with policy when it fell short on a similar situation to this one. Councillor B McGuigan stated that officers have documented the relevant policy, where the site satisfies the policy and where it does not and why this site could be approved as an exception to policy. Councillor B McGuigan stated that if Members did approve the application as an exception to policy he did not feel it would be open to judicial review as due process has taken place and it is for this reason that there is a formal recommendation to refuse but that it has been highlighted the application could be approved. Councillor B McGuigan stated that officers have conditions prepared should a decision be taken to approve the application as an exception. Councillor B



McGuigan stated that the application will have no adverse impact on the rural character of the area and that all issues of concern have been addressed.

The SD: PI referred to the argument put forward that there is no farm and advised Members not to go down that line the reason being that Committee could be found wanting on the grounds of perversity because it allowed the farm building as being on the farm. The SD: PI stated that the farm building may have been a tool to get a permission for a house but that this can happen in a lot of instances. The SD: PI stated that the application did not fall under a house in a cluster nor infill. The SD: PI stated that the argument put forward is that the application is against policy which is correct however he stated that policy is not a tablet of stone but also that it cannot be set aside lightly and rationale and reasoning must be set out for doing so. The SD: PI stated that a long time has been taken over this application and that both options are available so long as a rationale is set out. The SD: PI stated he did not know what would happen if the application went to planning appeal.

Councillor Cuthbertson stated he had been unable to go to the site visit but that the site has come before Members for consideration numerous times. Councillor Cuthbertson stated he did not feel the application would have any detrimental impact and that he would be content to overturn the officer recommendation and approve the application.

The Council Solicitor advised that if the Member had not attended the site visit it may be best not to make a proposal.

Councillor Cuthbertson stated he did not think it was a legal requirement to go to site visits as there had been instances in the past where only one person turned up on site and that one person cannot propose and second an application. Councillor Cuthbertson stated he was content to take the legal advice being given.

The SD: PI stated that if a Member is familiar with the site then that is ok but he would be more concerned with a proposal being put forward from someone who did not know a site. The SD: PI stated that this site is on a main road into Dungannon and he would suspect most Councillors from that area would be aware of it.

Councillor Cuthbertson stated he was happy to hear what other Members had to say on the application and would withdraw his proposal.

Councillor S McPeake stated he did attend the site visit and that he did see the differentiation argument put forward. The Councillor stated that the Committee would be stepping outside policy to approve the application but that he felt to refuse the application would be too harsh. Councillor S McPeake stated that the proposal will not change the rural character of the area and that the condition for a single storey dwelling will not make a material difference in the landscape and therefore proposed that the application be approved.

Councillor Glasgow stated he went on the site visit and asked if there were any additional photographs of the earth bund as the photograph being shown was not what Members saw on the day.

The HLP advised that the photograph being shown tonight was taken in September 2022. The officer advised that there were no photographs taken on the day of the site visit but agreed that there may have been more earth added to the bund since the time of the photograph taken in September 2022.

The Chair, Councillor Mallaghan referred to the late objection and asked if there was anything included in that which had not been previously considered.

The HLP advised that there was nothing new to address in the late objection.

Councillor Corry seconded Councillor S McPeake's proposal.

The SD: PI stated that the proposal to approve is based on the fact that whilst there is only one building and the application fails the policy test it is accepted the application is for a dwelling on the farm. The SD: PI stated that the proposal can nestle into the remaining corner of the site and is concealed and whilst it does not meet the letter of the policy it does meet the spirit of the policy which is clustering buildings together to minimise the impact on the landscape. Conditions to be attached should be 5.5m ridge height and landscape and hedging between the road and earth bund.

Councillor McKinney stated that he felt the Committee had done wrong in passing the shed in the first instance and he believed it had done wrong again tonight. Councillor McKinney asked that a vote be taken on the proposal to approve the application.

The Chair, Councillor Mallaghan asked if Councillor McKinney was making a counter proposal.

Councillor McKinney stated he was not making a counter proposal but asked that a vote be taken on the proposal put forward.

The Chair, Councillor Mallaghan stated that he did not need to take a vote if there was no counter proposal.

Councillor McKinney proposed the officer recommendation to refuse the application.

Councillor Glasgow seconded Councillor McKinney's proposal.

Members voted on Councillor S McPeake's proposal to approve the application –

For – 7

Against – 1

Abstain – 8

**Resolved** That planning application LA09/2020/1140/O be approved subject to conditions as outlined.

**LA09/2020/1322/O Dwelling adjacent to 59 Drumaspil Road, Drumcrow, Dungannon for Eamonn Donnelly**

Members considered previously circulated report on planning application LA09/2020/1322/O which had a recommendation for approval.

Proposed by Councillor McFlynn  
Seconded by Councillor Corry and

**Resolved** That planning application LA09/2020/1322/O be approved subject to conditions as per the officer's report.

**LA09/2021/0129/O Site for dwelling house & double domestic garage at approx. 40m NE of 2 Ballynagilly Road, Cookstown, for Mr James Harkness**

The Head of Local Planning (HLP) presented a report on planning application LA09/2021/0129/O advising that it was recommended for refusal.

Members were reminded that the agent had indicated that the applicant had spoken to an MLA regarding a deferral however no request for deferral from an MLA was received.

Councillor Glasgow stated that an MLA has no remit within the planning committee however they are entitled to write. Councillor Glasgow proposed that the application be deferred as he did not want to think someone had misinterpreted procedures. The Councillor asked that officers go back to the agent advising what the procedures are.

The HLP advised that the agent was unclear what the request for a deferral was for and that he had indicated that there would be new information submitted. On speaking with the agent it was advised that the new information would be a request from an MLA and that the applicant had spoken to the MLA.

The SD: PI advised that an MLA is not a decision maker on the planning committee. The SD: PI advised that an office meeting had already been held on the application and he did not see the purpose of a further meeting. The SD: PI stated that the applicant has been given a chance and it would appear they cannot formulate an argument and if someone is dissatisfied with a decision then they have right of planning appeal.

Councillor Glasgow stated he feared someone had misinterpreted procedures and proposed that the application be deferred but that it needed to be highlighted that this was the last chance.

The Chair, Councillor Mallaghan suggested that the application be held for 30 days to give opportunity to follow correct procedure.

Councillor Glasgow proposed that the application be held for 30 days.

Councillor Mallaghan seconded Councillor Glasgow's proposal.

**Resolved** That planning application LA09/2021/0129/O be held for 30 days.

**LA09/2021/0599/O 2 infill detached dwellings with associated detached garages, shared access onto Rogully Road and landscaping at adjacent and NW of 6 Rogully Road, Loup, Moneymore for Ashling McNicholl**

The Head of Local Planning (HLP) presented a report on planning application LA09/2021/0599/O advising that it was recommended for refusal.

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

Ms Muldoon contended that the application is compliant with CTY1 and CTY8 and CTY14 and that this rationale is supported by the drone footage. Ms Muldoon stated that the gap site is proportional in its scale and plot size to those adjacent and is large enough to accommodate two dwellings. Ms Muldoon stated that the gap site is set along a continuous set back line and the line of development, although set back from the road, does have a frontage to the road. Ms Muldoon stated that the hedge lines which are reflected in the images are not thick and allow for views in from the Rogully Road and when driving along this section of road you can clearly see the dwellings and other buildings. Ms Muldoon stated that when looking at the eastern view it is clear that the proposal is not detrimental nor would it have a significant negative impact on the countryside or rural character. By aligning the proposal with the existing built fabric which is set back from the road it was felt that this application is compliant with the three core policies which are the rationale for refusal. Ms Muldoon stated there would be no change to the rural character nor would there be a detrimental change to the reading of the site nor the surroundings. Ms Muldoon stated that the drone footage submitted reinforces this and that although there are fields to the front, those fields do not detract from the continuous built up line of development which is a mix of dwellings and commercial shed. Ms Muldoon felt strongly that the application meets with policy conditions and would therefore appreciate the support of the Committee.

Councillor Clarke stated he had not been at the site visit but on looking at the images provided it appeared this is the outworkings of an urban policy in the countryside where buildings are expected to be lined along the roadside. The Councillor stated it is traditional for farm dwellings to be set back from the road but that policy does not cover this and felt this is something that needs to be kept in mind in the future.

Councillor McFlynn stated she attended the site visit, lived near to the site and travelled the road most days. Councillor McFlynn stated that the adjoining residents to the site do have road frontage bar a small hedge and felt the application could be approved with condition that it is kept in line with the other houses. Councillor McFlynn stated she did not feel another dwelling on this road would make any difference and that rural character would not be affected. Councillor McFlynn proposed that the application be approved.

Councillor McKinney stated he had also attended the site visit and felt that the garden of one of the existing properties is incorporated into the area of ground closest to the road as there is no fence and only a small hedge between the two.

Councillor McKinney stated he did not feel the application would affect rural character and seconded Councillor McFlynn's proposal to approve the application including setting the proposal back from the road.

The SD: PI stated the application did not meet infill policy.

The Chair, Councillor Mallaghan interjected and stated that the site visit had been beneficial because if he had been looking at the application on a map he would have taken a similar view however from being on site Members could see that where it was marked 'field' on the map this was now the garden of the dwelling adjacent.

The SD: PI stated there was nothing to stop the Committee saying the application does not meet the strict letter of the policy but due to the buildings already there it feels it meets the spirit of the policy in that the existing buildings are in the existing line of buildings although not strictly road frontage and are contained thus avoiding urban sprawl.

Councillor Black stated he appreciated the officer report in that the application does not strictly meet policy but that looking at the line of the existing development he felt that the application is in the spirit of the policy and would be supportive of its approval.

The SD: PI stated that a siting condition should be applied so that the proposal is set back in line with the existing development.

**Resolved** That planning application LA09/2021/0599/O be approved subject to conditions as outlined.

**LA09/2021/0719/F Farm dwelling and garage at approx 25m E of 25 Creagh Hill Road, Toomebridge for Mr Brendan Mulholland**

Ms Doyle (HLP) presented a report on planning application LA09/2021/0719/F advising that it was recommended for refusal.

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

Mr Cassidy stated it is accepted that there is a full working farm and the only issue is the siting. Mr Cassidy referred to the building of the new dual carriageway and that at this time the applicant lost three acres of land to facilitate an overpass and road widening, this land was essential to the farm holding however the applicant only received a small amount of compensation for it. Mr Cassidy stated that the picture shown depicts the site in relation to the farm and the road overpass, it was advised that the site is on the edge of the applicant's holding and that a site at that location will not erode a further acre of his land which will happen if forced to locate the proposal beside the existing farm sheds. Mr Cassidy stated that a site beside the farm building would also hinder future expansion of the farm. Mr Cassidy stated that planning policy can be granted for a new dwelling even though the degree of visual link is limited or non visual. In this case, Mr Cassidy stated that the site and farm buildings can be visually linked from the minor road. Mr Cassidy stated that the proposal sited at the chosen location would allow the applicant to sell the site and

that the money generated would allow the applicant to purchase further acres to compensate for those lost. Mr Cassidy stated this is a fairly unique situation and felt that a precedent is unlikely to be set and asked that the application is treated as an exception to policy.

The SD: PI asked what the argument was for this application not extending a ribbon.

Mr Cassidy stated he felt the application was more a case of rounding off due to the neighbouring dwellings and new entrance into adjoining field.

The SD: PI stated that the policy is clear and felt it was difficult to see how the application could be justified.

Councillor Colvin proposed the officer recommendation.

Councillor Cuthbertson asked was if there was discussion at the office meeting of an alternative location.

The SD: PI advised that no alternative location has been put forward.

Councillor Cuthbertson seconded Councillor Colvin's proposal.

Councillor S McPeake stated he did not live that far from the site but supported what Mr Cassidy had said in that the whole area has been transformed with the building of the new bypass. The Councillor stated that the new road has dissected land and felt that a site visit would be useful. Councillor S McPeake proposed a site visit be held.

Councillor McFlynn seconded Councillor S McPeake's proposal.

Councillor D McPeake stated he knew the area as he had been brought up along that road. The Councillor stated that when his father died in 2020 a number of people got lost coming to the wake due to the new road and realignment of others. Councillor D McPeake stated he appreciated what had been said however he would also be supportive of a site visit.

Councillor Colvin withdrew his proposal.

**Resolved** That planning application LA09/2021/0719/F be deferred for a site visit.

**LA09/2021/0874/O Dwelling and garage on a rounding off site in a cluster at 30m NE of 122 Creagh Road, Anahorish, Castledawson, for Mr Malachy Gribbin**

Members considered previously circulated report on planning application LA09/2021/0874/O which had a recommendation for approval.

Proposed by Councillor D McPeake  
Seconded by Councillor Corry and

**Resolved** That planning application LA09/2021/0874/O be approved subject to conditions as per the officer's report.

**LA09/2021/1182/F Retention of agricultural building for uses ancillary to the farm, including offices, storage spaces and area for sale of goods produced on the farm (amended description) at 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 approval and highlighted addendum which included late objections to the application.

The Chair, Councillor Mallaghan stated that speaking rights have already been used for this application but due to the fact the application has changed so much since it was last presented he would make an exception and allow further speaking. The Chair called on Councillor Molloy who wanted to speak against the application.

Councillor Molloy stated that no matter what the application changes to there would be continued intensification of entry/exit onto the A29. Councillor Molloy stated there is an objection from DfI Roads and highlighted that on the day of the site visit Members were advised not to try to turn right from Dungannon side but rather should proceed towards Moy in order to turn around and come back. Councillor Molloy felt that this was telling in that if Members are being asked not to approach from the right because of road danger how is the public expected to. Councillor Molloy stated he did not understand how the goods being sold will be monitored and advised that there is a factory processing operation on the farm so if pork comes to the farm from elsewhere and is processed on the farm did this mean it could be sold in the farm shop as being packaged on the farm. Councillor Molloy stated that access is the main area of contention and the continued intensification. Councillor Molloy stated that the business has operated as a retail shop for a number of years and to retain the buildings would be to reward something which is against planning policy. Councillor Molloy stated he objected to the retention of the buildings.

Ms Curtin advised that works within the unit have been completed and that the number of goods for sale have been reduced with the remaining areas being used for ancillary offices and storage. Ms Curtin advised that the applicant has also purchased a business unit within Portadown town centre and the intention is to move a large amount of the retailing to Portadown and that evidence of this can be provided. Ms Curtin stated that the applicant is grateful for all the meetings and their intention is to comply with the conditions proposed. Ms Curtin referred to the objections in relation to the laneway and felt that they were not relevant as planning does not confer ownership.

The SD: PI referred to the enforcement notice and asked when it came into effect.

Mr Marrion advised that the enforcement notice was due to come into effect on 1 February but that it has been appealed.

The SD: PI stated that he felt the solution being put forward is the right solution as a farm can have a shop which sells goods from the farm. The SD: PI stated that the objector does not take issue with the building but rather the use and people coming and going. The SD: PI also highlighted that it would be unreasonable to make a decision based on the proposition that someone was not going to comply with the

conditions of an approval. The SD: PI stated it would also be unreasonable to assume Council won't enforce as an enforcement notice has already been served. The SD: PI stated that, if the Committee desired, he would not be adverse to getting external legal advice in relation to whether the propositions put forward are correct.

Councillor Cuthbertson stated the original application had been brought in the past and a site visit was held, the application was then brought back to committee and at that stage the committee were minded that they could not approve the application the way it was. Councillor Cuthbertson stated that the applicant has now amended the original application and felt that the objections referred to tonight are nothing new. Councillor Cuthbertson stated that if the application before Members tonight is refused it would still not do away with traffic on the lane and proposed the officer recommendation to approve the application.

The Council Solicitor stated she had not been involved in previous discussions due to being on maternity leave and would like to get a briefing on the matter to ensure that Members have been appropriately advised.

Councillor Cuthbertson asked if his recollection of the stages of the application were correct.

The SD: PI stated that Councillor Cuthbertson's recollection of events were correct and that the application before Members now was based on his advice. The SD: PI stated that his view is that the building itself is not the issue however what muddys the water is intensification. The SD: PI stated he had some concern that there will be parties who are in dispute and an appeal to enforcement has been lodged. The SD: PI felt that in order to give the Committee confidence it is reasonable to get further legal advice on the application.

Councillor Colvin stated he had recently been driving behind someone who wanted to turn right into the laneway where the premises is situated. The Councillor stated this was a frightening experience due to the corners on the road and the vast amount of traffic. Councillor Colvin stated there is no turning space on the road and felt the Council Solicitor has provided a good suggestion as there are a number of loose ends and he would be uncomfortable accepting the recommendation tonight. Councillor Colvin proposed that legal advice be obtained.

Councillor Corry agreed with Councillor Colvin's comments in relation to the danger of that road and seconded his proposal as she would also like to have further legal advice before making a decision.

Councillor Cuthbertson felt that some Members were confusing this amended application with the original application and stated that if this amended application is refused it will make no difference to the traffic on the lane.

The SD: PI stated that the application as it stands now is for an agricultural building and not in planning terms a shop. The SD: PI stated that if this application is refused then there would be nothing to stop the applicant going back to operating the way he was before. The SD: PI stated that the Committee has come this far and he did not see the harm in taking advice so that the Committee can move forward with confidence.



Councillor McKinney referred to the houses opposite the laneway and that those houses have no visibility splays and are a bigger danger when exiting onto the road than those travelling to the farm shop. Councillor McKinney stated he agreed that whilst there may be reduced products in the shop there would still be vehicles travelling up and down the laneway. Councillor McKinney stated that warning signs on the corner in the area may be helpful.

The Council Solicitor stated that legal advice would be sought in relation to what is being recommended.

The Chair, Councillor Mallaghan stated it would also be useful to have more information on how enforcement would be carried out at this location if it was approved.

The SD: PI stated that there is a condition on the application which refers to items produced on the farm and questioned if the use has not changed whether this condition is needed. This then raises the question on if a condition is used are you then prejudicing yourself. The SD: PI stated that it would be beneficial to obtain legal advice on the matter to ensure it is dealt with in the best possible way and the spirit in which it is intended.

Councillor McKinney stated that the Committee pass many applications that may not be built within red lines or to ridge height. Councillor McKinney stated that this Council acts on enforcement upon notification.

The SD: PI stated that this is an unusual case and there have been a lot of arguments presented and he just wanted to make sure what has been put forward is correct.

Councillor Cuthbertson stated that DfI have placed warning signs of the corners and also 30mph signage on the road. Councillor Cuthbertson stated that if the application is refused there is nothing to stop the applicant erecting a pop up shop to sell the farm produce at the same location. Councillor Cuthbertson stated that this amended application rectifies the issues with the original application and it is clear that Members are confused between the two.

**Resolved** That planning application LA09/2021/1182/F be deferred in order to seek legal advice.

**LA09/2021/1299/F Semi-detached dwelling at site adjacent to 41 Waterfoot Road, Ballymaguigan, Magherafelt for James Sheridan**

Members considered previously circulated report on planning application LA09/2021/1299/F which had a recommendation for approval.

Proposed by Councillor D McPeake  
Seconded by Councillor McFlynn and

**Resolved** That planning application LA09/2021/1299/F be approved subject to conditions as per the officer's report.

**LA09/2021/1449/O Dwelling and garage within a cluster site at 15m E of 6 Tamnadeese Road, Castledawson for Derek Fulton**

Members considered previously circulated report on planning application LA09/2021/1449/O which had a recommendation for approval.

Proposed by Councillor McKinney  
Seconded by Councillor McFlynn and

**Resolved** That planning application LA09/2021/1449/O be approved subject to conditions as per the officer's report.

**LA09/2022/0122/O Dwelling at land 20m SE of 96 Reenaderry Road, Derrytresk, Coalisland for Mr Stephen McCaffrey**

Mr Marrion (SPO) presented a report on planning application LA09/2022/0122/O advising that it was recommended for refusal.

The Chair, Councillor Mallaghan asked if it was fair to say the applicant/agent had stopped engaging in the process.

Mr Marrion stated that nothing had been received since last June.

Proposed by Councillor Mallaghan  
Seconded by Councillor McFlynn and

**Resolved** That planning application LA09/2022/0122/O be refused on grounds stated in the officer's report.

**LA09/2022/0168/O Dwelling and garage in a cluster at 25m N of 2 Coltrim Lane, Moneymore for Mr Mark Hamilton**

The Head of Local Planning (HLP) presented a report on planning application LA09/2022/0168/O advising that it was recommended for refusal.

Councillor Brown asked if the railway yard and bus yard could be perceived as a focal point.

The HLP advised that the railway yard and bus yard are both focal points but where the site is located it does not associate with either of them. The HLP stated that the applicant is relying on neighbouring properties and their association to focal points but development has to be on two sides of an application site and that cluster must be associated with a focal point. The HLP stated that each of the two houses are associated with two separate focal points and are therefore distinct and not part of a cluster of development.

The SD: PI stated there was not development on two sides because the permissions already obtained have not been built. The SD: PI referred to the nearby coach park and karting track and permissions could prejudice the operation of both businesses because of noise. The SD: PI stated his view was that the application did not meet planning policy and is not within the spirit of policy and if the applicant is not happy

they have two options – either to build and apply later when the character has changed or he can appeal. The SD: PI stated that this approach is a lot easier than for Members to try to explain why they are allowing the development to appear.

The Chair, Councillor Mallaghan clarified that if the existing permissions are built then this would be within a cluster.

Councillor Corry proposed the officer recommendation.

Councillor D McPeake seconded Councillor Corry's proposal.

**Resolved** That planning application LA09/2022/0168/O be refused on grounds stated in the officer's report.

**LA09/2022/0242/F Retention of domestic store as built (not in accordance with LA09/2021/0259/F) at 20 Ardchrois, Donaghmore for Conrad McGuigan**

Members considered previously circulated report on planning application LA09/2022/0242/F which had a recommendation for approval.

Proposed by Councillor Colvin  
Seconded by Councillor McFlynn and

**Resolved** That planning application LA09/2022/0242/F be approved subject to conditions as per the officer's report.

**LA09/2022/0437/F Retrospective application for the retention of farm dwelling at 59 Derryvaren Road, Coalisland for Mr James Campbell**

Mr Marrion (SPO) advised that additional information had been received in relation to this application and suggested that this item be deferred to allow officers time to consider what had now been presented.

Proposed by Councillor Mallaghan  
Seconded by Councillor McFlynn and

**Resolved** That planning application LA09/2022/0437/F be deferred to consider additional information submitted.

**LA09/2022/0645/O Dwelling and domestic garage at 70m N of 135A Five Mile Straight, Maghera for Patrick McKenna**

Members considered previously circulated report on planning application LA09/2022/0645/O which had a recommendation for approval.

Proposed by Councillor Corry  
Seconded by Councillor S Clarke and

**Resolved** That planning application LA09/2022/0645/O be approved subject to conditions as per the officer's report.

**LA09/2022/0662/O Dwelling and domestic garage at 95m SW of 6 Moss Road, Coagh, Cookstown for Ryan McGuckin**

Members considered previously circulated report on planning application LA09/2022/0662/O which had a recommendation for approval.

Proposed by Councillor Bell  
Seconded by Councillor D McPeake and

**Resolved** That planning application LA09/2022/0662/O be approved subject to conditions as per the officer's report.

**LA09/2022/0685/O 2 storey dwelling and garage at an existing cluster to rear of 68 Drumconvis Road, Coagh, for Frances Harkness**

Members considered previously circulated report on planning application LA09/2022/0685/O which had a recommendation for approval.

Proposed by Councillor Glasgow  
Seconded by Councillor McFlynn and

**Resolved** That planning application LA09/2022/0685/O be approved subject to conditions as per the officer's report.

**LA09/2022/1226/O Site for dwelling and domestic Garage at 100m S of 25A Cloane Road, Draperstown at the junction of Cloane Road and Cloane Lane, for Mr Mark Quinn**

**LA09/2022/1230/O Site for dwelling and domestic garage at 155m S of 25a Cloane Road, Draperstown, for Mr Mark Quinn**

Ms McKinless (SPO) presented a report on planning applications LA09/2022/1226/O and LA09/2022/1230/O advising that they were recommended for refusal.

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

Mr Cassidy stated he believed the application works under both policy CTY2a and policy CTY8. Mr Cassidy stated that policy CTY2a asks for at least 3 houses and that the photograph shows 3 dwellings and a number of outbuildings and therefore meets that part of the policy. Mr Cassidy stated that the cluster is a visual entity and is associated with a focal point of a crossroads. Mr Cassidy stated the site has a suitable degree of enclosure and can be absorbed into the rural character. Mr Cassidy stated in terms of infill, the site is bookended by a new development, and referred to area used by adjoining dwelling as part of their garden. Mr Cassidy stated that the area is kept in good condition with the lawn being mown and a trampoline being sited within. Mr Cassidy referred to decision taken earlier tonight where there was a small hedge between the house and the road and it was accepted. In this case, Mr Cassidy stated that the garden does abut the road and that policy allows for the two sites.

The SD: PI asked if there is planning permission to extend the curtilage.

Mr Cassidy advised that the garden does not belong to his client but from looking at aerial photography it would appear to have been used as a garden from 2008/2010.

The SD: PI stated that the photograph being displayed shows a farm and agricultural fields.

Mr Cassidy stated this was not the case as there is a garden with a domestic gate and trampoline.

The SD: PI drew Members attention to the guidance in relation to infill development which asks for consideration of the buildings but also the nature of the gap and whether it is an important visual break. The SD: PI stated that in this instance the photograph shows what appears to be an important visual break and when this is removed and the character changes into something more urban. The SD: PI stated that you cant have two new dwellings in a cluster as one would have to be built in order to get another. The SD: PI stated that the site did not meet infill as the site is clearly big enough to take the two houses plus the adjoining field would be three and would clearly change rural character.

Councillor Cuthbertson proposed to accept the recommendation to refuse.

Councillor Colvin seconded Councillor Cuthbertson's proposal.

Councillor S McPeake stated that it is important to determine whether the green space is amenity or agricultural use. Councillor S McPeake felt that a site visit would be useful to determine the use and proposed same.

The SD: PI stated he did not feel a site visit would clear this issue up but that a farm map would.

Councillor S McPeake stated that the success of this application hinges on whether the area is amenity or agricultural.

The SD: PI stated that a certificate of lawful development would be required which changes the use of the field. The SD: PI stated that there is a fence which is separating the field from the curtilage albeit a trampoline has been put in.

Councillor S McPeake stated that the area could be amenity and if proved that it has been there for a certain length of time it could be accepted.

The SD: PI stated that the issue is the area is not the applicant's. The SD: PI stated he had no objection to Members taking a site visit but he would caution into looking at something and saying whether it is one thing or another.

Councillor S McPeake referred to previous similar issue when a site visit had been undertaken but that, in that case, there had been an objector who was disputing the use of the land. Councillor S McPeake asked if there has been an objector in relation to this application.

The SD: PI stated that Members can decide to take a site visit if they wish but that making decisions on what a land use is a very risky thing to do.

Councillor Corry seconded Councillor S McPeake's proposal for a site visit as she felt there was a cluster and a focal point.

The SD: PI stated that the application cannot be considered against policy CTY2a as this policy only allows for a single dwelling, not for two.

Councillor McKinney stated he did not feel this was the same situation to that discussed earlier as there is clearly a fence and well established hedge separating the garden from the field in this case. Councillor McKinney stated that a site visit will not change circumstances but asked the planning officers to ascertain if the field is being claimed as agricultural.

Members voted on Councillor Cuthbertson's proposal to refuse the application –

For – 3  
Against – 9  
Abstain – 3

*Councillor Glasgow was out of the room for the vote.*

Members voted on Councillor S McPeake's proposal for a site visit –

For – 11  
Against – 1  
Abstain - 2

*Councillor Glasgow was out of the room for the vote. Councillor Black was not present for the vote.*

**Resolved** That planning applications LA09/2022/1226/O and LA09/2022/1230/O be deferred for a site visit.

## **Matters for Information**

### **P017/23 Minutes of Planning Committee held on 9 January 2023**

Members noted minutes of Planning Committee held on 9 January 2023.

*Live broadcast ended at 9.55 pm.*

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

Proposed by Councillor McKinney  
Seconded by Councillor D McPeake 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 P018/23 to P021/23.

**Matters for Decision**

P018/23 Receive Enforcement Report

**Matters for Information**

P019/23 Confidential Minutes of Planning Committee held on 9 January 2023

P020/23 Enforcement Cases Opened

P021/23 Enforcement Cases Closed

**P022/23 Duration of Meeting**

The meeting was called for 7 pm and concluded at 11.37 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 February 2023**

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

**Chairs Business –**

Appeal Decision – Margaret Donnelly, Dwelling, Reclaim

Letter from DFI Re Planning Improvement Programme

-

ITEM	INFORMATION RECEIVED	ACTION REQUIRED
5.21	Revised plans to address concerns.	Members to note
6.5	Late objection from J McNulty	Members to note. No new issues raised.
6.8	Additional information and aerial images received from agent.	Members to note
6.9	Additional aerial image received from agent	Members to note
6.11	Late objection received from F Molloy MP	Members to note
6.21	Additional aerial image received from agent	Members to note
6.22	Additional aerial image received from agent	Members to note

**Minutes of Meeting of Policy and Resources Committee of Mid Ulster District Council held on Thursday 9 February 2023 in the Council Offices, Circular Road, Dungannon and by Virtual Means**

**Members Present**

Councillor S McAleer, Chair

Councillors Ashton\*, Buchanan, Cuddy, Doris\*, Forde\*, Gildernew\*, Kearney, S McGuigan, McKinney, S McPeake\*, Molloy, Quinn\*

**Officers in Attendance**

Mr McCreesh, Chief Executive\*\*  
Mrs Campbell, Strategic Director of Environment (SD: Env)\*\*  
Mrs Canavan, Strategic Director of Organisation Development, Strategy and Performance (SD: ODSP)  
Mrs Dyson, Head of Human Resources (HoHR)\*\*  
Mr Moffett, Assistant Director of Organisation Development, Strategy and Performance (AD: ODSP)  
Mr McGuckin, Head of Strategic Services and Engagement (HoSS&E)  
Mr Tohill, Strategic Director of Corporate Service and Finance (SD: CS&F)  
Mr O'Hagan, Head of ICT (HoICT)  
Mrs Grogan, Committee & Member Services Officer

\* Denotes members present in remote attendance

\*\* Denotes Officers present by remote means

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

The meeting commenced at 7.00 pm.

*The Chair, Councillor S McAleer welcomed everyone to the meeting and those watching the meeting through the Live Broadcast. Councillor S McAleer 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.*

**PR021/23 Notice of Recording**

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

**PR022/23 Apologies**

Councillors Elattar and McLean.

## **PR023/23    Declarations of Interest**

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

## **PR024/23    Chairs Business**

The Chair, Councillor S McAleer advised members that she wished to raise an issue and asked for a project to be added to the Council's General Power of Competence scheme. She referred to an area of footpath along the A5 road at Glencull, just outside Ballygawley, the children board the yellow school bus at this location which has a very narrow footpath and at times the children have to step onto the main road which is extremely dangerous. She advised that when the bus is parked, the sightlines were blocked which was unfortunately an accident waiting to happen. She stated that currently she was in discussions with the Blue Green Active Travel Dfl team in regard to a footpath from Ballygawley to Glencull, but this is proving to be a very slow process. The part of the footpath in Glencull that she was enquiring about is really a priority for safety and the local landowners have stated that they have no issues as long as the footpath area is made safe according to the local Principal. The Chair asked if this could be added to the scheme.

Councillor S McGuigan advised that the same issue had also been raised with him by some people as this was an ongoing issue. He said that the school and the businesses along that route have indicated that they were ready to assist with the level that's needed to allow this to happen and although initial discussions from this side is positive, it is slow on the other side and felt there was a need to keep pushing this forward.

Councillor Cuddy referred to the General Power of Competence and advised that Council had spent no money on this scheme from the very beginning and felt that there was very little chance of this happening.

The Chair advised that she was aware of the footpath at Eglish from Daly's shop being completed under the General Power of Competence.

Councillor S McGuigan advised that the Eglish footpath was completed under the Active Travel scheme and the only one done under the General Power of Competence was in Edendork.

Councillor Cuddy advised that the Edendork scheme was carried out before the new policy was written and nothing has been done since and wasn't confident that there would be much hope of proceeding forward.

Councillor Ashton referred to comments relating to Dfl issue regarding the footpaths in Ballygawley. She said that this was coming up quite frequently about Dfl not carrying out their duties and how their responsibilities were falling back to Council to pick up i.e. grass cutting and now footpaths and enquired if Officers envisaged any light at the end of the tunnel or was this the way things were going to be regarding Dfl issues.

The Strategic Director of Environment (SD: Env) in response to issues relating to Active Travel and General Power of Competence advised that she was aware of members enquiring about General Power of Competence in previous meetings. She said that Officers were currently looking at a list that had been compiled before and advised members that quite a few of the projects on that list had already been completed, although not necessarily under the General Power of Competence or Active Travel but with other projects Council had been involved in. She said that she was undertaking a review of this at present in line with the review of Capital Programmes and Capital Projects and stated that an update would be brought back to committee in the very near future for members consideration and discussion.

The SD: Environment advised that she had attended a meeting today with Dfl in relation to greenways and Active Travel and they are proposing alternative ways on how they could work with Council more closely in terms of outdoor recreation and will be looking at preparing a more detailed plan of projects across the district, particularly around Active Travel. This would involve working with Dfl to secure potential funding to take this forward, but the difficulty would be whilst there are individual requests being made, there isn't a complete picture of what is needed. She felt there was a willingness on behalf of the Dfl, they have targets they have to meet in terms of Active Travel as well as Climate Change, so they have to allocate some funding into these types of projects and Council needs to have their lists ready to progress so that Officers can work in partnership with them to deliver. She was confident that there was light at the end of the tunnel, but there is still work needed to be done upfront to get ready to avail of anything that was coming forward.

Councillor Molloy said that we have witnessed the lack of investment over quite a number of years on footpath provision and now Dfl were getting out of providing footpaths across the board, a contractor constructing houses has to provide a footpath, Council was also now getting involved in providing footpaths and felt that they were really getting off the hook. He advised that this can be witnessed across the Bann as he can go into villages across East of the Bann and you can see footpath provision away out into the countryside, linking up towns and villages across the board. He has raised this issue with Dfl previously of how when you get to Portadown you can reach the Port of Larne or the airport in Belfast without leaving a footpath. When in Portadown and heading west it is impossible to link up towns and villages and felt that there was a school of work to be done on this provision.

The Chair concurred with Councillor Molloy's comments and referred to the footpath she had alluded to from Ballygawley to Glencull school which is also used by a lot of workers for employment and was very frightening to see them walking and stepping onto the main road as there was part of a footpath and then no footpath.

## **Matters for Decision**

### **PR025/23 Draft Response to NH&SCT Consultation-Working with you to Transform Acute Maternity Services Consultation**

The Head of Strategic Services and Engagement (HoSS&E) presented previously circulated report which sought approval from elected members of the draft consultation response developed on behalf of Mid Ulster District Council in response

to the consultation on Working with you to Transform Acute Maternity Services Consultation.

Councillor McKinney advised that unfortunately he was unable to attend the meeting on the day and said that his Council area would be more involved with Coleraine hospital rather than those in Dungannon. He said that he had read the response with the lack of surgical teams and consultants and when his family used the hospital 13 years ago, it was the same position and they had to wait on a consultant coming in to deal with their situation. He said that this was a dangerous situation, we live in a claim conscious world and advised that Antrim could not take any extra women on top of what they already have and has seen what the report has been issued with from those within the Health Service and until such times there is facilities for extra capacity and at this present moment in time, the amount of children which was being born in Antrim is actually an over-capacity and understaffed. To do nothing and let this amalgamate under the Antrim part of the Northern Trust would have a detrimental effect on those from this area but even more so for those who travel from the North Coast area. In referring to the response that this is not acceptable on the way forward from the Health Board is the only way to proceed due to the danger of children's lives and risks involved if these issues are not sorted out. He was aware it was stated by the Health Board that they "hope to have provisions in place" and felt that he sometimes hoped to have something in place and never actually achieves it. He said that it was vitally important that these provisions were in place and although he was aware of extensions being carried out at Antrim at the moment, he was sure that it wasn't related to the Childrens unit. He also advised that Coleraine did not have a neonatal unit anymore which was previously there when it first opened resulting in only one neonatal unit being stretched to overcapacity in this moment in time.

The Chair advised that Councillor McKinney had raised valid points.

Councillor Kearney stated that he shared Councillor McKinney's views as he was also aware of this. He felt that this was a very fair and reasonable response which has been presented before members tonight.

Proposed by Councillor Forde  
Seconded by Councillor McKinney and

**Resolved** That it be recommended to Council to approve the draft response "*that the Council does not provide support and is opposed to the Trust's proposals to centralise maternity services to Antrim Area Hospital*".

### **PR026/23 Request to Illuminate Council Properties**

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

- Fair Trade Fortnight
- Action Meso: Go Blue for Meso Campaign
- Linking Generations NI – Global Intergenerational Week

Proposed by Councillor Buchanan  
Seconded by Councillor Cuddy and

**Resolved** That it be recommended to Council to illuminate the three designated Council properties on:

- 27 February 2023 – Fairtrade Fortnight – Colours: Pear, Black and Cyan
- 24 April 2023 - Linking Generations NI– Global Intergenerational Week Colour: Pink
- 7 July 2023 - Go Blue for Meso campaign – Colour: Blue

**PR027/23 Improvement Objectives: - 2023-2024 and 2024-2025 (proposed) and timeline for Public Consultation**

The Head of Strategic Services and Engagement (HoSS&E) presented previously circulated report to consider and agree the proposed improvement objectives for 2023/24 and 2024/25, as set in compliance with the Local Government Act (NI) 2014 (the Act) and subsequent guidance as issued by the Department for Communities (LG21/2016 onwards) and establish timelines for a public consultation exercise relating to the proposed improvement objectives.

Councillor Cuddy advised that he had recently listened to a programme on TV which talked about NHS productivity levels and improvements over the last few years which was at 1% but was still fairly positive even with all their pressures. He said that when talking about improvement objectives, enquired if there was anything in place that we can measure our productivity or improvement activity against within this organisation as he never envisaged any way productivity could be measured within the NHS.

The Head of Strategic Services and Engagement (HoSS&E) advised that the report outlined the list of corporate improvement projects and initiatives which have been rolled out throughout Council and these are what we are measuring ourselves on.

Councillor Cuddy said that he could talk about his shop all day long and how many people come in, but it was the people that don't come in he would be more interested in as it was all about numbers. He said that it would be the case of if you can't measure, you can't manage and there was a need for transformation and not do what was done in the past as the world is changing around us. He felt that it was a good project but there needed a smarter way of measuring productivity especially when there is rate increases of plus 7%.

The Chair said that she assumed that if there were environmental impacts that this was measurable, we were just starting off in this process and in due course measurements will mostly likely be implemented.

The Strategic Director of Organisation Development, Strategy and Performance (SD: ODSP) advised that data is collected and measured i.e. within Environment, measurements in recycling targets, within Finance, measurements taken in relation

to paying creditors, sickness absence, customers entering venues etc. There is a method of collecting data and tracking it which is carried out on a quarterly basis through the Performance Officer.

The Strategic Director of Corporate Service and Finance (SD: CS&F) said that he totally got what the member referred to and noted his reference to the 7% rate increase, but by definition against raging inflation rate well in excess of 7% to deliver the vast majority of our services at a proposed real cut, reflects performance improvement efficiency gains, all be it being a long way short where we need to be to make the rate more affordable. He felt that the high-level figure does show that the Council were performing reasonably well, all be it that more statistics could be compiled.

Councillor Cuddy felt that there was a need to get the process of improvement objectives more slim-lined. When reference was made to waste etc. it is costing this Council a fortune, more year on year and there needed to be a better way of delivering for the ratepayer. In referring to comment made by SD: CS&F about being currently at 10%, he guaranteed that by the end of this financial year, we will be well less than 7% as overall the balance of inflation will decrease each month.

Councillor Kearney noted that this was for public consultation and a further report at agenda item 10 (Performance Improvement Update – Quarters One to Quarters Three - 2002 to 2003) and enquired when it was anticipated to have a review of our Community Plan as it would be a great instrument to measure our success.

The Strategic Director of Organisation Development, Strategy and Performance (SD: ODSP) advised that this was a very relevant report as there was an update on agenda item 11 (Mid Ulster Community Plan: Progress Update) for information. She said that it was like any plan, there was a need to review and try to streamline it to be more action orientated, with working groups. This has been brought to the Strategic Board and governance looked at around it, which would be constantly on review and now was an opportune time for Officers to review where we are at the moment as our list may have been too long at a time, however, it was the community which put them on the list and we don't want to knock them off, but there was an onus on Officers to find a way of streamlining it. A lot of the work that Council were doing in partnership with other external agencies was all part of community plan and processes also and there was a need to start tracking that in a better fashion also. She concluded by saying that this was going through a review period at the moment and that was what the update report related to.

Proposed by Councillor Kearney  
Seconded by Councillor S McGuigan and

**Resolved** That it be recommended to Council to approve the four draft improvement objectives for 2023-24 to 2024-25, and the initiation of consultation together with associated timeline.



**PR028/23 Member Services.**

None.

**Matters for Information**

**PR029/23 Minutes of Policy & Resources Committee held on 11 January 2023**

Members noted Minutes of Policy & Resources Committee held on 11 January 2023.

**PR030/23 Performance Improvement Update - Quarters One to Quarters Three (2022 to 2023)**

Members noted Performance Improvement Update – Q1 to Q3 (2022 to 2023) which provided monitoring information on the review of Council’s performance against our seven statutory and three corporate performance improvement indicators and standards, along with an overview of the Corporate Health Indicators for the first nine months of 2022/23. The report also provides a performance progress summary against the Council’s four corporate improvement objectives and their associated project plans (known as CIP plans). The indicators and standards, the 4 improvement projects and corporate health indicators are contained within our Two-Year Performance Improvement Plan (PIP plan) for 2021/22 to 2022/23.

**PR031/23 Mid Ulster Community Planning: Progress Update**

Members noted Mid Ulster Community Planning Progress Update which provided an update on activity surrounding Mid Ulster Community Planning following its movement across to Organisational Development, Strategy & Performance, stemming from the Council’s restructure.

The Strategic Director of Organisation Development, Strategy and Performance (SD: ODSP) advised that updates and achievements would be brought to committee on a quarterly basis.

*Live broadcast ended at 7.24 pm.*

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

Proposed by Councillor Molloy  
Seconded by Councillor S 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 PR032/23 to PR038/23.

**Matters for Decision**

- PR032/23 Staff Matters for Decision
- PR033/23 Land and Property Matters: Northland Row Disposal and Gortgonis Wayleave
- PR034/23 Capital funded Repairs and Maintenance: Meadowbank Sports Arena and Bus Shelters

**Matters for Information**

- PR035/23 Confidential Minutes of Policy and Resources Committee held on 11 January 2023
- PR036/23 Staff Matters for Information
- PR037/23 Contracts and DAC Registers – Update
- PR038/23 Financial report for 9 months ended 31 December 2023

**PR039/23 Duration of Meeting**

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

Chair \_\_\_\_\_

Date \_\_\_\_\_

## Annex A – Introductory Remarks from the Chairperson

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

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

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

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

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



**Minutes of Meeting of Environment Committee of Mid Ulster District Council  
held on Tuesday 14 February 2023 in Council Offices, Circular Road,  
Dungannon and by virtual means**

<b>Members Present</b>	Councillor S McGuigan, Chair  Councillors Brown, Buchanan, Cuthbertson, Glasgow*, Kearney, N McAleer, S McAleer, B McGuigan, McNamee*, Milne*, Totten*, Wilson
<b>Officers in Attendance</b>	Mrs Campbell, Strategic Director of Environment (SD: Env) Mr McAdoo, Assistant Director of Environmental Services (AD: ES)** Mr Scullion, Assistant Director of Property Services (AD: PS)** Ms Donnelly, Council Solicitor Mrs Grogan, Committee & Members Services Officer
<b>Others in Attendance</b>	<b>Deputation: A5 Enough is Enough</b> Mr Niall McKenna (Chairman) Mr Damian Harvey Mr Brendan Hurl  Councillor D Kerr  Ms Nora Largey - Belfast City Council (Solicitor)

\* 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 S McGuigan welcomed everyone to the meeting and those watching the meeting through the Live Broadcast. Councillor S McGuigan 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.*

**E028/23 Notice of Recording**

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

## **E029/23      Apologies**

Councillors Burton and Graham.

## **E030/23      Declarations of Interest**

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

## **E031/23      Chair's Business**

The Chair advised he had two items were to be raised tonight which would be taken in order of commentary.

Councillor B McGuigan thanked the Chair for allowing him to raise this item. He referred to issue which came out of paper regarding the 2023/24 Rate Estimates the cost cutting which has to take place as a result of that. One of the papers out of that Special Meeting was the rationalisation of waste recycling centres and the planned closures of 5 sites: Draperstown, Castledawson, Fivemiletown, Moneymore and Coalisland. He said that since that he has had a number of calls, especially regarding the Draperstown one as it was within his area and real concerns regarding the closure of that centre. There were some calls in relation to Maghera but it was not listed on those planned closures which alleviated some of the worry. He said that the worry here was the hike in the rates and planned reduction of waste recycling services and the concerns around fly-tipping and up until now things had been fairly good and no complaints, but this could be a real concern as some people may not wish to travel to the main recycling centres of Magherafelt, Cookstown or Dungannon and then the fly-tipping issue starts and the other concern of who's land it ends up in and the responsibility it lies with. He felt that more discussion was needed on the planned closure of these centres on how well they are used, the general condition of the centres i.e. health & safety within the centres and whether they are fit for purpose.

Councillor B McGuigan proposed that a Working Group be set up to try and work through a way work forward in relation to this as it was concerning that this could be a real issue. He said that people may not travel to the main centres of Magherafelt, Cookstown or Dungannon and then the fly-tipping carry-on starts and who's land the waste ends up in and who's responsibility it would be to sort it out. There needs to be more discussion regarding these centres on how well they are used and their general condition including health & safety within the centres and whether they are fit for purpose. He said that he was aware that quite a bit of money had been spent especially on the Magherafelt site, although he was unsure about Cookstown and Dungannon. He referred to the distance from these sites especially Draperstown and the surrounding areas to the nearest centre in Magherafelt which was quite a distance away and also Fivemiletown which was a substantial distance to the nearest centre of Dungannon. He said that he was unaware of any figures being presented in relation to any cost savings although there was some detail on the paper regarding other cutbacks.

Councillor Milne seconded Councillor B McGuigan's proposal.

Councillor Cuthbertson said that he wished to raise the same issue. He said that it seemed that committee were here before in circumstances like this and at the rate setting in 2022/23 we had parties agree to close public conveniences but when we came back to the first or second meeting, there was a change of heart. He said that SDLP and Sinn Fein were warned at the rate setting meeting what they were signing up to with the DUP and UUP opposing it particularly the recycling centres, especially the ones he was closest too, Coalisland and Fivemiletown. He said that whilst he welcomed some change of heart, he felt it was hypocritical last Monday that the two parties sat here and agreed to close the recycling centres and likewise put forward a decision to stop cutting grass within the 30-mph speed limit.

Councillor McNamee agreed with proposal to establish a working group and felt that a bit more work needed to be done on a number of the centres i.e. health & safety risks, potential for waste to be lifted and where it ended up. He referred to the Cookstown site and said that that there needed a lot of work to bring it up to the centre it was envisaged to become and felt that this would take a number of years to do so.

Councillor Wilson said that when we sat down it was plain to see that these sites were going to be closed and if there was no feed back to the political party, then there was something wrong with that. He said that he fully understood the kickback as he was getting a kickback in relation to carparking charges in Cookstown and had to accept that Sinn Fein and SDLP had voted them through. He advised that it was stated at the rates meeting that there was no other money available and these had to be cut which came out of the Strategic Director of Environment's budget. The SD: ES had to look at suggestions as Council were down to the bare bones and if money is found now when the rates has been increased, what message does that send out to the ratepayer. If we are looking at skip sites, then we may as well look at carparking issues in Cookstown and grass cutting also. He stated if Councillor B McGuigan was happy to add this as an amendment to his proposal he would support it.

Councillor Kerr advised that he had originally joined the meeting tonight to listen to the A5 presentation and because the recycling centres were on the agenda. He felt that he needed to speak out regarding the public outrage relating to the proposed closures and had been contacted many times and witnessed the publics' reaction on social media. He said that if he had any voting powers, he would be proposing that the recycling centres outside of Magherafelt, Cookstown and Dungannon remain open. In referring to the planned closure of Coalisland and other smaller sites advised that when people recalled the closure of these sites during lockdown there was fly-tipping all over the Torrent area which was notorious, widespread and rampant. His fear would be that if the planned closure goes ahead in Coalisland and this decision is not reversed, that fly-tipping levels will go through the roof. He once again wished to oppose the decision to the closing of Coalisland Recycling Centre and believed that the public were right to be outraged when this decision was agreed when there was no consultation with them or elected representatives.

Councillor Kearney said that he was fortunate enough to be at the earlier discussions at the Party Leaders group and did seek the retention for Maghera which he made a

case for. After listening to concerns tonight felt that further discussions would be helpful in this situation.

Councillor N McAleer said that he also supported Councillor B McGuigan's proposal as there wasn't actually a full paper on the proposals for the closures and there was a need to see all that first and a working group would be the best option to proceed forward.

Councillor S McAleer referred to Fivemiletown and advised that the public there would have to travel 30 miles to avail of their nearest recycling centre in Dungannon. She said that it was her understanding that further discussions were going to take place at future committee meetings on these planned closures as members did not say they were happy with these decisions including the closure of the public toilets. She said that she had always maintained that the public toilets in Augher should not be closed because they were highly used.

Councillor Glasgow seconded Councillor Wilson's proposal and said that he had wondered where this working group was going and if this was to be set up, it needed to look at the whole thing. He wished to put on record that the Officers to their credit has been very open from the beginning when it came to the rates process on what tonnage and costs associated with these individual sites which were all fed through. He said that he could only speak on behalf of his own party and that information was all fed through each of the political groups. He felt that it was quite concerning that some members were saying that they weren't privy to those details and once again wished to put on record that Officers were very open and transparent throughout and should be acknowledged for that. He referred to the expression of "being careful for what you vote for" as these big projects come at a cost and unfortunately this relates to a cut in recycling centres, grass cutting, public toilets and the introduction of carparking charges in Cookstown and if the working group is going to discuss all these concerns which has been voted through by the two parties, then we should go back to this conversation and take it all as a whole.

Councillor McNamee in referring to the carparking charges in Cookstown advised that it was agreed at a previous meeting that a pilot scheme be rolled out in Magherafelt and the outcome of that would decide if it would be viable or not going forward and until this was completed then nothing could be done regarding the viability of that. He said that it was suggested that this be rolled out across all our carparks where the first two hours were free and charges after that but until the outcome of the pilot scheme comes back our hands are tied in relation to carparking charges.

Councillor Brown said that it was not surprising that the chickens had come home to roost at this meeting tonight. He referred to Councillor B McGuigan's point of not being aware of the figures and as other Councillors alluded to, the report came out to each lead of the party and disseminated down to each party member and everybody knew last Monday night when it came to the rate setting what we were actually voting for. He advised that the Strategic Director of Environment (SD: Env) had to go away and investigate cost savings which were relayed out to members and early meetings which had taken place with the Strategic Director of Corporate Service and Finance relayed out what it was going to entail which was told to members last Monday night



but when the vote went through it was decided we are going to raise the rates by 7.43%. This vote was to close recycling centres, introduce carparking charges in Cookstown and restrict grass cutting, so at the end of the day if flack has come from constituents on the ground on why they are allowing the centre to close in Draperstown, Moneymore or Fivemiletown, he said that he had three simple words: suck it up, you voted for it, you proposed it, suck it up as you live with the consequences on what you decided.

Councillor B McGuigan advised that he had put his proposal on the table in terms of implementing a working group to deal with recycling centres, not carparking as it was a separate issue. If members had supported the proposal made by the DUP and others on the night, then committee would have been looking at a lot more cuts. He said that his proposal still stands that we move forward on that basis that we work through the issues to try and see what we can and cannot do.

The Strategic Director of Environment (SD: Env) advised that the rates were agreed last Monday night and agreed on the basis of a number of savings within her department that she was going to have to somehow implement over a period of time. She said that she would welcome the opportunity to work with members to try and roll the programme out the best we can and ensure that we were minimising the impact as much as possible. The opportunity is not on the table necessarily to totally review as decisions have been made and now, we must look at implementing this the best we can moving forward.

Councillor Wilson said it was his understanding that if our rates had gone through last month, there wouldn't have been more cut to services. He sought clarification on the decision which has already been taken to close these facilities, but Officers would work through to elevate the potential problems.

The Strategic Director of Environment (SD: Env) advised that the decision has already been made last week on what the savings were within her department, basically there was no magic pot as there was no additional budget, but there was now an onus on us to look at the process of rollout and would welcome the opportunity to work with members to try and make sure this happens the best we can.

Councillor Brown said that he appreciated what the Strategic Director of Environment (SD: Env) had said but taking on the point that Councillor Wilson alluded to, felt that members cannot turn around and be selective and just concentrating on the issue of recycling. As Councillor Wilson proposed and seconded by Councillor Glasgow, we need to see where savings can be made in regard to recycling centres, then carparking charges in Cookstown and grass cutting needs to be included within that mix and needs to be the case of all three or none as we cannot be selective regarding this. He said that he was aware of the public's dismay over the closures of recycling centres but equally Councillors in Cookstown were taking on the same amount of flack in relation to carparking charges and it has to be the case of all three in the mix or none as the decision has already been taken at Council.

Councillor B McGuigan said that his proposal was solely for recycling centres as plan was already in place for carparking and waiting on planned data to come back from

one carpark in Magherafelt and once that comes through it can be worked through. Carparking was always a separate issue on our papers to anything else. His proposal was to establish a working group to work through waste recycling centres outside the three main ones which was Cookstown, Dungannon and Magherafelt.

Councillor S McAleer said that she was aware that her comment was not going to go down well with the Cookstown Councillors, but our Chief Executive did say that the reason that Cookstown carparking charges could be implemented was to make all towns equal and said that she did feel a bit annoyed that Dungannon and other towns are paying charges and now may be the time to have equality across the district.

The Strategic Director of Environment (SD: Env) concurred with the member that there was a pilot meant to be happening and said that the Assistant Director of Property Services (AD: PS) could update members around the timescales. She advised that nothing would be happening in Cookstown until that pilot comes back.

The Assistant Director of Property Services (AD: PS) advised that the timeframe around implementation based on discussions with the supplier at this stage is hopefully after the Easter period to avail of the remaining equipment to get it installed. He said that there would be a number of weeks to get the carparks operational which was the intention at this stage and agreement was previously made at committee to bring back a report on the impact on the pay on foot arrangements. It is anticipated to bring the report back after the summer and earlier autumn period once it has been operational for a number of months.

The Chair advised that there were two proposals on the table.

Councillor B McGuigan's proposal was put to the vote:

For	8
Against	5

Councillor Wilson's proposal was put to the vote:

For	5
Against	8

Councillor B McGuigan's proposal was carried.

**Resolved** That it recommended to Council that a Working Group be established to work through implementation of the Council decision on a way forward regarding waste recycling centres outside the three main ones which was Cookstown, Dungannon and Magherafelt.

### **E032/23 Deputation – A5 Enough is Enough**

The Chair welcomed Deputation from A5 Enough is Enough campaign and invited them to address the committee.

Mr McKenna thanked the committee for allowing the deputation to make their presentation here tonight (appendix 1).

He advised members that this campaign group came about after the latest death on the A5 road, John Rafferty a young GAA player from his club in Killyclogher. John was a young and upcoming GAA star from his club and represented the county at minor and U20 level. He was a university student which came home on a Thursday evening and was involved in a collision on the A5 road between Ballygawley and Omagh involving a tractor and died instantly. He stated that John's death wrecked the club, community and resulted in total devastation but was obviously worse for his family and when his remains came home on the Saturday and buried on Monday, it was a rough weekend for everyone. His club Killyclogher received a massive amount of support from the other GAA Clubs within Tyrone and a regular monthly meeting held on the Tuesday, the night after John's funeral and he had wished to thank all the clubs which provided great support and when he was thanking the clubs at the meeting, straight in front of him were other families which had suffered the same devastation through losing members of their families and the comment was made on that night that "Enough was Enough" which people related to. He said the name was very simplistic and messages which the group were trying to get across to people was also very simplistic. There was a personal motivation from Tyrone GAA as their members were basically dying on that road and the other reason is that the home of Tyrone GAA is literally on the A5 road and whether they were potentially taking people to their deaths i.e. young lads coming and going home from training, people attending meetings and it was inevitable that someone is going to die coming or going from our centre. It was felt that Tyrone GAA were a fairly large organisation and would be beneficial to use their influence. He said that this was the genesis of the organisation and had been working from that date in October which resulted in a public launch on Monday 23 January 2023 at the Garvaghey Centre which some members here tonight may have attended and if not would urge the committee to go onto the Tyrone GAA YouTube page and watch it. He stated that it was a tough night, harrowing and primarily the families of road victims which spoke which was emotional and devastating to listen to, but they feel that this has now given them a collective voice in which they did not have before. He advised that these families were very supportive of this campaign's aim to have a dual carriageway from Aghnacloy to New Buildings as previously agreed in 17<sup>th</sup> July 2007 by the assembly. The A5 Western Transport Corridor is one of five key transport corridors identified in the Regional Transportation Strategy for Northern Ireland. Its improvement represented a significant link in plans to improve strategic links between the urban centres of Derry, Strabane, Omagh and Aghnacloy and also improve connections to the North-West. There has been 44 deaths on this stretch of road since that date an average of 3 a year and these people cannot understand why there is continuous delays to the project. On the night at Garvaghey, GAA All-Star Kevin Hughes who lost 2 members of his family on the A4 stated that the effect of the new road give the local road back to the local people. Evidence is there that the new dual carriageway is needed and needed soon.

The Chair, advised that he attended the launch of the A5 Enough is Enough Campaign at the end of January and had also attended the enquiry up in Omagh discussing the timetable on where it currently was at that stage which also included a lot of technical stuff around that presentation. He advised that he sits on the N2/A5

working group and at one stage it looked as if it had been moving forward but it seemed to be dragging its heels once again. He said that the message was broad and clear, it was more than sport, it was about families and individuals who use this road. He said that he was aware of this road as he lives on it and would've have known quite a number of the people who lost their lives and felt the impact at a personal level and also at a community level and would fully support and endorse the campaign.

Mr Harvey said that took members through the four aims of the campaign as follows:

- To support the actions required to bring about an end to a process that is now 15½ years long (5691 days and counting).
- To positively promote the need to begin work on the new A5 as soon as possible.
- In the meantime, to seek immediate mitigating road improvements that might start saving lives now.
- To share road safety messaging and educate people on the danger of driving on the road.

Councillor S McAleer thanked the members for their presentation and said that she also attended the launch night Garvaghey. She said there was a deafening silence when parents or family members were talking about their loved ones which was haunting and what she remembered most was when the families describe the high vis vest coming to their doors when the police were coming to give them the tragic news, which was very painful to listen to when you hear it first-hand. She advised that one of the speakers on the night was a friend of hers which lost her son which was very painful to listen to. She wished to add that this was one of the best things that has ever come about "Enough is Enough" which is raising all the issues, as we were trying for a long, long time. She advised the committee that back in the day she worked as a staff nurse in A&E at the Tyrone County Hospital in Omagh and pre 2007 there was just as many deaths, so many that you lost count. This has been going on for a long, long time and a lot of families have encountered tragedies and lives destroyed as a result of it. She welcomed everything that the group was doing and would provide as much support as possible as she lived in Ballygawley. She advised that there is a primary school on the side of the A5 road with a speeding lane beside it and were constantly looking at ways of trying to keep children safe and did lose a 6-year-old pupil in the past and also a dinner lady and other people getting off buses and when we know these things are happening, its time something needs to be done.

Councillor Kerr said that he wished to express his full support to the working group and like Councillors S McGuigan and S McAleer he had also attended the launch night up in Garvaghey which was very emotional listening to the different family members who had lost loved ones including John Rafferty who was a cousin of his wife. For any young person who has their whole life ahead of them to lose their life in these circumstances which might of being prevented if there was better road safety, may be difficult for a family to accept when it comes to special occasions i.e. birthdays, Christmas, family gatherings etc as there is always an empty seat at a table. He said that he fully supported the initiative and wished to express his deepest sympathies to all families involved in losing a loved one and hoped that one day that

the group is fulfilled and that all the hard work which is being done is rewarded for what it is.

Councillor Kearney commended the group on their presentation and whilst he may live at the other end of the River Bann, he was well aware of the stance which is being taken by the group and wished to commend it. He said that he had an opportunity with Councillor Burton who was a Clogher Valley Councillor to meet with the four Divisional Heads of Transport NI four weeks ago in Craigavon where they outlined clearly the need for the new A5. Although A6 to Derry and the M1 creating some difficulty but there was a great deal of time outlining the need for work to be carried out. There were 55 road deaths last year and over half of them were West of the Bann which speaks for itself regarding the structure of that area. He congratulated the group and wished them well in their future endeavours.

Mr Hurl in summing up wished to thank members on behalf of the A5 Group and advised as a newly formed group that they think of themselves as a cross community group which needed the support of everyone which spoke on behalf of a vast majority of people who wish to have the new road built. He advised that immediately after the launch of the group that the Irish Taoiseach, Leo Varadkar reaffirmed the Irish Government's commitment to get the road built and there was an onus on our politicians to do likewise. He advised members as local political representatives for this Council area, there was a duty of care to the community and that they were a small group with no political agenda which expected leadership and direction and pleaded with members to provide full support to take a lead on this campaign. A strong message needs to be sent to DfI that a dual carriageway needs to be built. He thanked the committee for allowing them to attend tonight and was thankful of the Council's support in getting behind the campaign and simply said that "Enough was truly Enough".

Councillor Milne thanked the deputation for attending the meeting tonight and wished to offer his full support to the campaign.

He proposed that this Council issues a paper to the relevant authorities to move this project forward asap and that we all contribute as suggested to the public enquiry as part of the route is within Mid Ulster District Council area.

Councillor Cuthbertson said that in previous times this Council has been supportive of the new road during any submissions or consultations that come to the Council and was discussed at last month's Council meeting and the view is to support it again. He didn't believe that there was any political party holding it back, although he wasn't here to speak on behalf of MLA's or Northern Ireland Assembly. He said that there were other circumstances which were holding it back. He referred to the Republic of Ireland Government and said it was his understanding that they had removed their funding which was committed in 2007 and enquired if this was something that the group would be going down to lobby on in relation to funding.

Mr Hurl advised that two days after the launch the new Taoiseach, Leo Varadkar not only did he pledge his support to the project but also confirmed the funding towards it and said that he looked forward to getting the A5 started as soon as possible. He said that as far as he was concerned that this funding was there and still is there.

Councillor Cuthbertson said that it was his understanding that the funding from 2007 was drastically cut and wouldn't go far in today's figures.

Councillor S McAleer in reference to the public enquiry advised that she did raise it at the Council meeting after the launch in Garvaghey and response from Officers was that representation would be sent to the public enquiry from Mid Ulster District Council.

Councillor Brown enquired if any discussions had taken place with local landowners on the proposed A5 route as it was all well and good having a new road which everyone would welcome to protect lives but farmers would be giving up their land. He asked if discussions had taken place to see what was being proposed by the Department with regards to the value of the strips as he was aware when the A4 was talked about there was a nice big sum of money for every acre of ground taken off them, when it now comes to the A5 figure, it is nowhere near where the A4 figure was and at the end of the day we need the farmers to be buying into it also, otherwise it will be a lost cause.

Mr Hurl advised that this wouldn't be the remit of their campaign group and they certainly wouldn't be putting a value on land. He said that the one thing that he would say is that the value of life is priceless and pales in significance when talking about the acres of land with respect.

The Chair said what he picked up from that meeting in November regarding the enquiry was where it came from and where it was going, that was part of a schedule that was put in place with all these types of things being included with a lot of technical details. A lot of stuff was included in the process which also included matters relating to landowners etc.

Mr Hurl advised that the first estimate costs for this project was in excess of £500m and the latest estimate is now £1.6b.

Proposed by Councillor Milne  
Seconded by Councillor S McAleer and

**Resolved** That it be recommended to Council to issue a paper to the relevant authorities to move this project forward asap and that we all contribute as suggested to the public enquiry as part of the route is within Mid Ulster District Council area.

Councillor Cuthbertson enquired if the group were still lobbying for the new route to be from New Buildings to Ballygawley or was it Aughnacloy as there was a fair bit of objection whether Aughnacloy was needed because of the improvements which had been done in some parts of that section. He said that it was his understanding that this bit was dropped off the schedule and anticipated that the route would be from Ballygawley to New Buildings.

Mr McKenna agreed that this was mentioned in the enquiry and the terminology which was used for area between Aughnacloy and Ballygawley was being overprovision which sounds to him as a very good idea, but you really don't deserve it, but the group's aim is a full dual carriageway from Aughnacloy to New Buildings.

The Chair thanked the group for attending the meeting tonight to wished them well in their future endeavours with their campaign.

*The deputation from A5 Enough in Enough Campaign left the meeting at 8 pm.*

## **Matters for Decision**

### **E033/23 Environmental Services Proposed Scale of Charges for 2023/24**

The Assistant Director of Environmental Services (AD: ES) presented previously circulated report and sought approval for a proposed scale of charges in relation to Environmental Services for the period 1<sup>st</sup> April 2023 to 31<sup>st</sup> March 2024.

Councillor Cuthbertson said that he would have difficulty with the increase as we are putting household rates up by 7.3% and then proposing putting a further 8% on anyone who wants a second brown bin collected. We had a lot of toing and froing in relation to brown bin charges over the last 12 to 24 months, we were settled on £50 and now going up 8% to £54. In relation to 8% increase on commercial waste, feel that this Council is going to price themselves out of being competitive as there is private operators working around Dungannon, schools and other areas. Whilst there is an increase of 8%, already domestic rates going up 5.8% last Monday night, this is going to be another hit and will result in businesses turning to a third-party operator and reduce this Council's income as more and more commercial premises will try and go with the most competitive. He felt that this increase could cause a negative effect on Council and there was a need to look at the whole situation of whether it is acceptable putting it up 8% after we are increasing our rates by 7.3% and seemed to be a double hit on the ratepayers.

Councillor Wilson enquired if this was based on all the recycling centres or just the ones that we were proposing to keep open.

The AD: ES advised that commercial waste is only accepted at the three main recycling centres where there were weighbridges.

Councillor Glasgow referred to the increase in burial costs and enquired what was the impact of costs going up and sought clarity on whether it was the cost of machinery to dig out the graves and the maintenance. He said that if fees go up people would be expecting a much better service particularly in relation to dog fouling and stated that he had been in a graveyard on Sunday and had come out of graveyard with more on his shoe than what he went in with. He said that if fees goes up then it would be important that the service goes up with it also particularly the issues around dog fouling.

The AD: ES advised that with all the charges, there is a combination of things including increases in fuel, staff, amongst other things and with cemetery charges in particular it was previously agreed a number of years ago that fees would have to increase by 10% to reach the Northern Ireland average.

Councillor McNamee would agree that the charges are inflationary, as everything is increasing and enquired about the possibility of people going to outside contractors

as he agreed with member's comment previously made with regard to pricing ourselves out of work.

The AD: ES advised that Council does not make a profit from providing those commercial services and only obliged to recover the costs of the service and this would be a matter for individual businesses to make their own minds up. He was aware that those charges proposed were in and around the average costs proposed by others.

Councillor B McGuigan said that he would be happy to propose the recommendation, otherwise the deficit was going to have to be taken up by Council and felt that there was no other choice in the matter.

Councillor Cuthbertson in relation to the brown bins for the domestic properties, said that he envisaged an increase in people looking brown bins particularly the areas where recycling centres are closed.

Councillor Cuthbertson proposed that there is not an 8% increase on brown bins and that the price remains at £50 the same as last year.

Councillor McNamee seconded Councillor B McGuigan's proposal to accept the recommendation.

Councillor Brown seconded Councillor Cuthbertson's proposal not to apply 8% increase on second brown bins.

Councillor Wilson said as a point of order if Councillor B McGuigan would accept Councillor Cuthbertson's proposal into the recommendation, that there would be agreement.

Councillor B McGuigan enquired what would Officers be talking about in terms of costings in relation to last year's brown bins.

The AD: ES advised that the cost impact would be minimal as there was only a small number of people who take up this annual service.

Councillor B McGuigan said that he would accept including the member's proposal into the recommendation if it could be absorbed.

Proposed by Councillor B McGuigan  
Seconded by Councillor Cuthbertson and

**Resolved** That it be recommended to Council to approve the proposed scale of changes for 2023/24 as outlined within the report minus the increased cost of 8% for second brown bins.

### **E034/23 Eco-Schools Programme Support 2023/24**

The Assistant Director of Environmental Services (AD: ES) presented previously circulated report and sought approval to continue providing financial support to the Eco-Schools Programme.



Councillor Cuthbertson enquired what percentage of schools do we collect rubbish from as he was aware that Mid Ulster District Council had a good success at recycling but was concerned about third parties collecting waste and asked if they operate under the same rules in relation of disposal of waste and recycling as we as a Council would be.

The AD: ES advised as a waste collector you would be obliged to collect segregated waste. He was aware that this Council collects from a majority of the schools but not the school kitchens which are outsourced by the Education Boards to the private sector.

Councillor Kearney felt for £5,000 it is the best value this Council will get at 10p a head and this Council through Education Officers led the way in promotion in this and it was evident to see how many of our young people end up in litter picks and felt that the £5,000 was worth every penny. He wished to commend our Officers on the way forward.

Proposed by Councillor McNamee  
Seconded by Councillor Cuthbertson and

**Resolved** That it be recommended to Council that approval be granted to continue providing financial support to KNIB for delivery of the Eco Schools Programme including an annual Awards Ceremony in 2023/24 at a total cost of £4,975.

**E035/23 Dfl Roads Proposed Reduction of Speed Limit to 40mph – Hillhead Road, Toome**

The Assistant Director of Property Services (AD: PS) presented previously circulated report and sought agreement in relation to a proposal from Dfl Roads to reduce an existing stretch of 50mph to 40mph on Hillhead Road, Toome.

Proposed by Councillor Kearney  
Seconded by Councillor Milne and

**Resolved** That it be recommended to Council to endorse the proposal submitted by Department for Infrastructure Roads in relation to proposed reduction of speed limit to 40mph at Hillhead Road, Toome.

**E036/23 Dfl Roads Proposed 18 Tonne Weight Restriction – Lisnawery Road, Augher (Mullaghmore Bridge)**

The Assistant Director of Property Services (AD: PS) presented previously circulated report and sought agreement in relation to a proposal from Dfl Roads to introduce an 18-tonne weight restriction on Lisnawery Road, Augher to protect Mullaghmore Bridge.

Councillor Cuthbertson said that he was happy enough to support the recommendation but enquired if this is just to such times the bridge was replaced or was this a permanent fixture to save investment on the bridge.

The Chair advised that it was his interpretation that this was a permanent fixture and discussions with haulage companies around that area have indicated that already a lot of hauliers do not use the bridge.

Councillor Cuthbertson said that he would be concerned that this was a way of stopping investment in bridges and a means of saving money.

Proposed by Councillor S McAleer  
Seconded by Councillor S McGuigan and

**Resolved** That it be recommended to Council to endorse the proposal submitted by Department for Infrastructure Roads in relation to proposed 18 tonne weight restriction on Lisnawery Road, Augher to protect Mullaghmore Bridge.

**E037/23 Dfl Roads proposed Traffic Calming Measures, Bracken Ridge Newmills**

The Assistant Director of Property Services (AD: PS) presented previously circulated report and sought agreement in relation to a proposal from Dfl Roads to introduce traffic calming measures at Bracken Ridge, Newmills.

Proposed by Councillor N McAleer  
Seconded by Councillor S McGuigan and

**Resolved** That it be recommended to Council to endorse the proposal submitted by Department for Infrastructure Roads in relation to proposed traffic calming measures at Bracken Ridge, Newmills.

**E038/23 Street Naming and Property Numbering**

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

- Site off River Road, Draperstown

Options submitted for consideration:

1. Glenowenban
2. Clonowenban
3. Clondaowen

Proposed by Councillor B McGuigan  
Seconded by Councillor Kearney and

**Resolved** That it be recommended to Council to name residential development at site off River Road, Draperstown as Glenowenban.

## **Matters for Information**

### **E039/23 Environment Committee minutes of meeting held on 10 January 2023**

Members noted minutes of Environment Committee held on 10 January 2023.

### **E040/23 Northern Ireland Local Authority Collected Municipal Waste Management (LACMW) Annual Report for 2021/22**

Members noted previously circulated report which provided update on Council's performance in relation to recycling and landfill diversion targets as outlined in the NIEA Northern Ireland Local Authority Waste Management Statistics Report for Q2 of 2022/23 from July to September 2022.

### **E041/23 Bus Shelters Update**

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

Councillor N McAleer sought clarification on bus shelters at St Colman's Park, Moortown and asked if there was any update.

The Assistant Director of Property Services (AD: PS) advised that this was currently with Legal Services but would follow up.

### **E042/23 Building Control Workload**

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

### **E043/23 Dual Language Signage Surveys**

Members noted 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 Buchanan referred to item 6.2 and enquired where Drumcommon Road, Dungannon was located.

The Chair advised that this be referred to the relevant Officer responsible who would provide clarity to members.

### **E044/23 Dual Language Signage Requests**

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

**E045/23 Entertainment Licensing Applications**

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

**E046/23 Renaming and Renumbering Existing Streets**

Members noted previously circulated report which advised of survey outcome of all applicable residents for the Renaming and Renumbering of an existing street/road.

*Live broadcast ended at 8.17 pm.*

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

Proposed by Councillor Brown  
Seconded by Councillor S 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 E047/23 to E055/23.

**Matters for Decision**

- E047/23 Tenders for Provision of Grass Cutting Maintenance/ Services
- E048/23 Entertainment Licensing Preliminary Report – Gribben’s Bar
- E049/23 Magherafelt Office Drainage Segregation Works
- E050/23 Tender Report for the Appointment of Vehicle Suppliers

**Matters for Information**

- E051/23 Confidential Minutes of Environment Committee held on 10 January 2023
- E052/23 Off Street Car Parking: Quarter 3 2022/2023
- E053/23 Capital Framework – ICT Contracts Update
- E054/23 Capital Framework – IST Contracts Update
- E055/23 Capital Projects – Scoping Contracts Update

**E056/23 Duration of Meeting**

The meeting was called for 7.00 pm and ended at 8.55 pm.

CHAIR \_\_\_\_\_

DATE \_\_\_\_\_

## Annex A – Introductory Remarks from the Chairperson

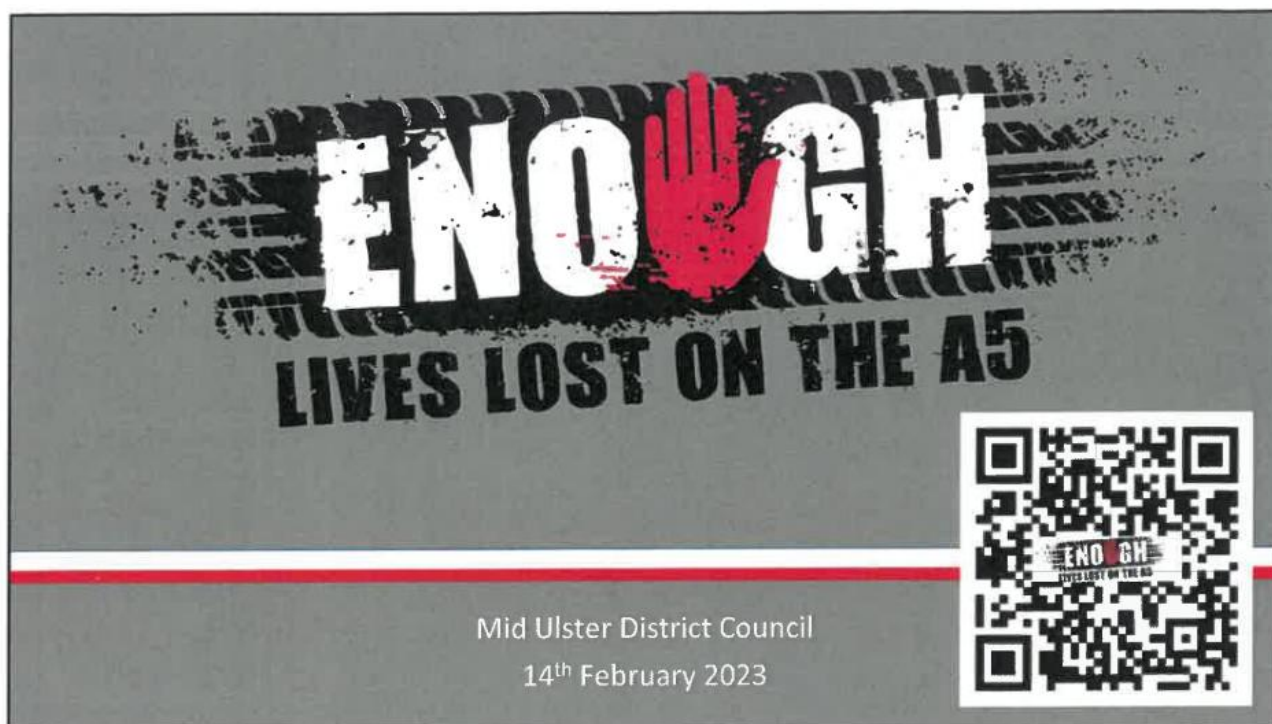
Good evening and welcome to the Council's [Policy & Resources/Environment/Development] Committee in the Chamber, [Dungannon/Magherafelt] and virtually.

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

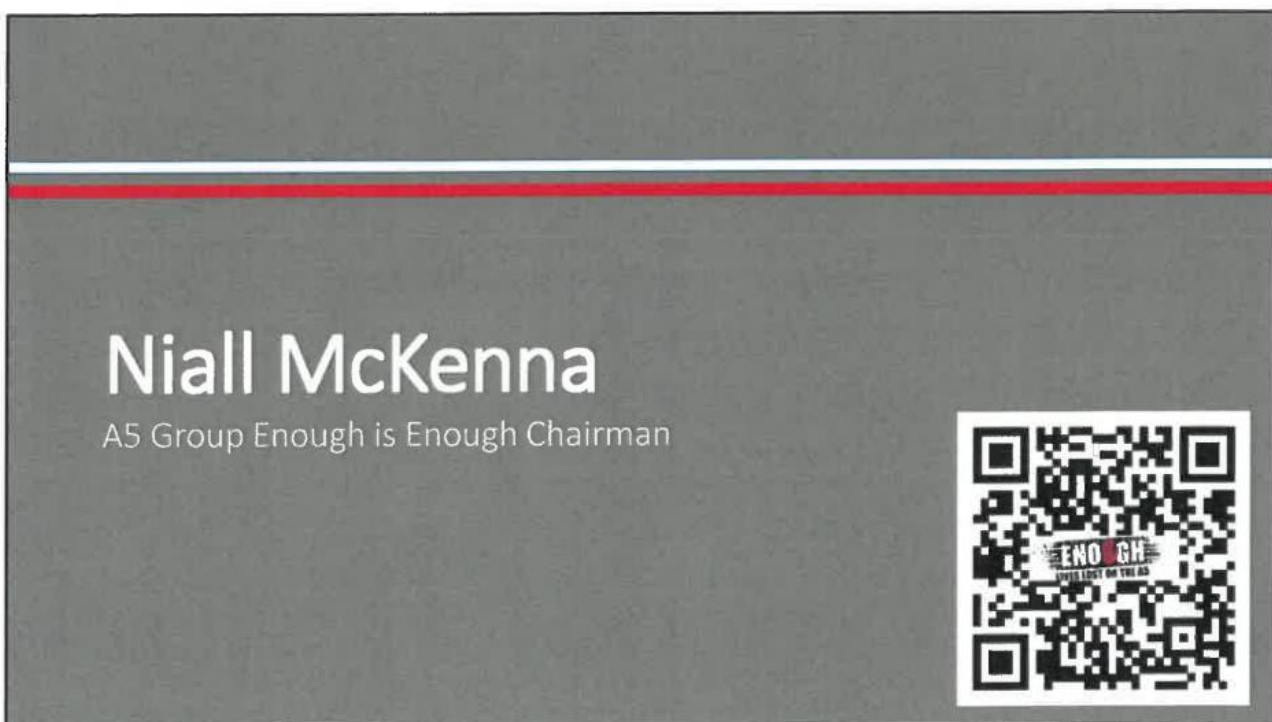


**ENOUGH**  
**LIVES LOST ON THE A5**


Mid Ulster District Council  
14<sup>th</sup> February 2023



1



**Niall McKenna**  
A5 Group Enough is Enough Chairman



2

**17<sup>th</sup> July 2007**  
NI Assembly Approve A5 Western Transport Corridor



3

**5,691 days**  
and counting...



4



## Four Aims...

To support the actions required to bring about an end to a process that is now 15 ½ years long.

To positively promote the need to begin work on the new A5 as soon as possible.

In the meantime, to seek immediate mitigating road improvements that might start saving lives now.

To share road safety messaging and educate people on the danger of driving on this road.



5

## Our ask of you...



6



**Minutes of Meeting of the Development Committee of Mid Ulster District Council held on Thursday 16 February 2023 in the Council Offices, Circular Road, Dungannon and by Virtual Means**

<b>Members Present</b>	Councillor Clarke, Chair  Councillors Ashton, Black, Corry*, Cuddy, Doris*, Elattar*, Kerr, McNamee*, Martin*, Milne*, Molloy*(7.02 pm), Monteith, Quinn*, Wilson
<b>Officers in Attendance</b>	Mr Black, Strategic Director of Communities and Place (SD: C&P) Mr Gordon, Assistant Director of Health, Leisure and Wellbeing (AD: HL&W)** Ms Linney, Assistant Director of Development (AD: Dev)** Ms McKeown, Assistant Director of Economic Development, Tourism and Strategic Programmes (AD: EDT&SP)** Miss Thompson, Committee and Member Services Officer
<b>Others in Attendance</b>	Councillor McKinney (7.17 pm)***  Agenda Item 4 – Deputation Mid Ulster Red Squirrel Association Mr McAleese – Chairperson*** Ms Donnelly – Vice Chairperson***

\* 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 Clarke welcomed everyone to the meeting and those watching the meeting through the Live Broadcast. Councillor Clarke 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.*

**D020/23 Notice of Recording**

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

**D021/23 Apologies**

Councillor Burton.

## **D022/23      Declarations of Interest**

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

## **D023/23      Chair's Business**

None.

## **D024/23      Deputation – Mid Ulster Red Squirrel Association**

The Chair, Councillor Clarke welcomed Mr McAleese and Ms Donnelly from Mid Ulster Red Squirrel Association to the meeting and invited them to make their presentation.

Mr McAleese outlined the mission statement of the group which is to work together, with Council, to support the under-threat native red squirrel population and their ever-shrinking habitat; for the benefit of contributing to the wider Irish and UK red squirrel conservation efforts, and helping empower the entire community to make lasting, positive change.

Mr McAleese also outlined the aims and objectives of the group which is to –

- Monitor and study red squirrels in their natural habitat. Encouraging the red squirrel population to grow by ensuring their environmental needs are met. The removal of the invasive grey squirrel via regulated, safe, and humane trapping / dispatch methods.
- Educate the general public, landowners and statutory and voluntary bodies on how to create and maintain an environment that is sympathetic to red squirrel survival.
- Raise funds in order to facilitate the groups purposes.
- Ensure close collaboration with our allies in the red squirrel community, along with all associated groups and organisations, situated right across the island of Ireland.

Ms Donnelly highlighted how the red squirrel population from 1945 to 2010 has changed and diminished and that the population is dying out. Ms Donnelly stated it is important to work together to help protect the red squirrel now and for future generations. Ms Donnelly stated it is imperative that current red squirrel populations are supported through subsistence feeding and habitat protection and expansion along with an increase in grey squirrel removal efforts. Ms Donnelly stated that things need to change and that whilst the Mid Ulster Red Squirrel Group is here to help bring about that change, it is only with full support and backing of Council, Forestry Service, and other associated public bodies that it can save the red squirrel.

The Chair, Councillor Clarke thanked Ms Donnelly and Mr McAleese for their informative presentation and stated that Davagh was one of the first places he had seen a red squirrel and for the group to keep up the good work.

Councillor Corry stated it was frightening to see how the red squirrel population has dwindled over the years and thanked the group for their hard work and dedication in saving the red squirrel. The Councillor stated that habitat and tree planting go hand in hand with this and that Council and Councillors should be supportive of the hard work being done. Councillor Corry referred to the groups difficulties with opening a bank account and advised that sometimes credit unions can help with this. The Councillor stated that Mid Ulster is a beautiful area and that having the possibility of a red squirrel trail is an exciting opportunity as well.

Councillor Molloy thanked the representatives for their presentation and stated he was impressed with the groups dedication to restoring the red squirrel. The Councillor stated that the opening of bank accounts is an ongoing issue for a number of community groups but that some literature or sharing the video shown tonight would be helpful to get the message out to the community and community groups so they can encourage people to support the red squirrel and discourage the grey.

Councillor Quinn stated that he had probably seen more mink around where he lived outside Coalisland than red squirrels and stated that the group did not have an easy task but should be encouraged in their efforts. The Councillor referred to the introduction of the pine marten and that this seemed to help the red squirrel population in areas where they had been brought in and asked if this is something which has been considered in the Mid Ulster area. Councillor Quinn stated he would be happy to support the group any way he could and felt that Council as an organisation should also be supportive of the group and increasing the red squirrel population in the Mid Ulster area.

Ms Donnelly advised that there have been a couple of red squirrel sightings in Drumcairne Forest.

Councillor McNamee stated the group were carrying out great work and asked if the pine marten is a threat to the red squirrel as well as the grey and what other eradication methods are being used to remove the grey squirrel. The Councillor also asked if there are any red squirrels in Drum Manor Forest.

Ms Donnelly stated that whilst there have not been any sightings of the red squirrel in Drum Manor there is potential for the future and that the group were awaiting the outcome of an Ulster Wildlife study.

Mr McAleese stated that the feedback and interaction from the public has been phenomenal to date and sightings of red squirrel are beginning to be submitted from across the District and from areas which were previously prolific with the grey squirrel. Mr McAleese stated that the pine marten populations have been increasing and that with further studies it is hoped to get a clearer picture of where the pine marten are residing. Mr McAleese stated that the group are of the opinion that there are a lot more red squirrel and pine marten in the District than what is known about now and that further investigations should be able to prove this.

The Chair, Councillor Clarke stated he had a great interest in what the group are doing and that in Creggan Forest close to where he lives there have been sightings of red squirrels. Councillor Clarke stated he would do whatever he could to support the group.

*Ms Donnelly and Mr McAleese withdrew from the meeting at 7.25 pm.*

## **Matters for Decision**

### **D025/23      Development Report**

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

- Rolling Community Grants
- Good Relations Plan 2023-24
- TEO Refugee Support Programme
- Development Update

In addition to the report the AD: Dev advised that Council have been approached with regard to the Northern Ireland Refugee Scheme and looking at a project with key partners. The AD: Dev advised that a proposal regarding refugee support was prepared and submitted in liaison with STEP. The AD: Dev advised that an allocation of £133,015 has been recommended in relation to support for refugees up until March 2024 on the basis that Council allocate the monies to the partner who will deliver the programme and that monitoring will be through to the TEO Office.

The AD: Dev advised that a letter of support has been sought by Early Years regarding a Peace Plus application to develop the proposed community hub project at the old workhouse in Clogher. The AD: Dev also referred to request received from Poetry Ireland who are undertaking a climate change project on a cross border basis and are seeking a letter of support from Council in relation to the project including some help with linkages to key artists.

Councillor Monteith referred to the the Tbus scheme and 25% match funding which comes from Council and asked how much this works out at.

The AD: Dev advised that Council match fund £103,000.

Councillor Monteith asked if officers were of the opinion that the money was well spent the last time.

The AD: Dev advised that in relation to the programme Council would have had good outcomes and feedback from the TEO Office and that they would have been supportive in relation to all the activity undertaken. The AD: Dev advised that in the past couple of years activity has also been tied into the community plan. The AD: Dev stated that the poverty initiative started out of the Good Relations Plan and was successful during Covid as partnerships had been established and therefore officers were able to act quickly at that time.

Councillor Monteith stated there was other funding within Tbus which was outside of Council remit and he did not see a lot of evidence of the outcomes. The Councillor felt it would be worth officers discussing this with Tbus and referred to housing associations and that residents cannot get their heating or windows fixed but that there are grants for face painters. Councillor Monteith stated he was not against community activity however tenants are entitled to a decent home. Councillor Monteith proposed the report but in addition proposed that the advisory groups be brought in to discuss other Tbus funding streams. In relation to the Clogher Community Hub proposal, Councillor Monteith stated that there needs to be adequate memorial to those who lost their lives within the confines of the workhouse there similar to that at South Tyrone Hospital. Councillor Monteith stated that it was good to see the old workhouse building in Clogher being kept in life to work for the community in 2023 but that no one should forget the suffering and horrors that went on within the walls of that building.

Councillor Molloy seconded the proposal to adopt the report and also seconded the proposal for Council to engage with Tbus groups as there is good work done in relation to inclusivity but that he felt there is also some daft money spent. The Councillor stated he did not know how much control Council would have in relation to this but that he felt if Council is involved then it should have a say.

In response to Councillor Ashton, the AD: Dev advised that the requests for letters of support had come in since the report was written. The AD: Dev stated that the letter of support in relation to Peace Plus application for Clogher Hub was urgent but that the other request could be brought back next month if Members preferred.

Councillor Ashton asked that the requests be emailed to Members.

Councillor Monteith stated he was happy to amend his proposal that the request for letter of support for Poetry Ireland be considered next month. The Councillor stated he was content for the letter of support in relation to Clogher Hub would go ahead as the project has been presented to Members previously and that this letter would be a continuation of Council's support.

The Chair, Councillor Clarke proposed that there was also a job of work to be done in relation to Magherafelt Workhouse.

Councillor Monteith seconded Councillor Clarke's proposal.

Councillor Wilson stated he supported the comments in relation to bringing in the Tbus groups, especially the housing associations.

The SD: C&P stated that Tbus is a central government strategy and the policy lead is the Executive office who oversee the whole strategy including the Council Good Relations Programme. The SD: C&P asked if Members were asking that the Executive Office come to Council to discuss how other elements of Tbus funding work.

The AD: Dev clarified it was the housing associations who prepare housing plans Members wanted to invite to come in for discussion.

The SD: C&P stated that officers can look at this and invite the relevant parties to a future meeting.

Councillor Corry referred to proposal in relation to Magherafelt Workhouse and advised of request received regarding commemorative piece at this location and asked that Council look at this.

- Resolved** That it be recommended to Council –
- To approve the assessment panel recommendations under the Good Relations Grant as outlined at appendix 1 of report.
  - To approve the Good Relations Plan 2023-2024 as outlined at appendix 2 of report.
  - To invite relevant parties to a future meeting to discuss other elements of Tbus funding.
  - To approve the allocation of £133,015 for the TEO Refugee Support Programme up until March 2024.
  - To issue letter of support to Early Years in relation to Peace Plus application for Clogher Valley Community Hub. Letter of support for Poetry Ireland to be considered at next month's meeting.
  - To recognise the suffering of those who lost their lives within Clogher and Magherafelt Workhouses and assist with memorials at these sites.
  - To note Development Department Update.

#### **D026/023 Sports Representative Grants**

The Assistant Director of Health, Leisure and Wellbeing (AD: HL&W) presented previously circulated report which sought approval for Sports Representative Grant – Individuals (January 2023).

Proposed by Councillor Wilson  
Seconded by Councillor McNamee and

- Resolved** That it be recommended to Council to approve the sports grant allocations as outlined in appendix 1 of report.

#### **D027/23 Health, Leisure and Wellbeing Scale of Charges 2023/24**

The Assistant Director of Health, Leisure and Wellbeing (AD: HL&W) presented previously circulated report which outlined the proposed scale of charges for April 2023-March 2024 for the Health, Leisure and Wellbeing service and sought approval to implement same from 1 April 2023.

Councillor Kerr proposed the scale of charges as set out.

Councillor Kerr stated that a constituent had approached him in relation to cervical smear testing and that she had a test last October but has received no result. The Councillor stated this was concerning as residents need access to testing quickly so that any abnormalities can be dealt with. Councillor Kerr proposed that Council

make contact with Southern Trust in relation to cervical smear testing, the importance of these tests and having them dealt with quickly.

Councillor Cuddy seconded Councillor Kerr's proposal and asked if income into leisure centres has stayed the same or dropped from the year before to last year.

The AD: HL&W advised that the 2020/21 was a challenging year for everyone and income did drop during that year due to closures and Covid restrictions. The AD: HL&W advised that the 2021/22 and 2022/23 years are on a par and whilst not quite at the peak of pre covid level income he stated that the revised income projections will be met and that this will be kept under review. The AD: HL&W stated it is hoped that the freezing of charges will go some way to maintaining confidence and that facilities will be affordable to users.

Councillor Cuddy stated that the issue of income in leisure centres was one of the issues raised during the rates process. The Councillor stated that the officer seemed to be hopeful that income will come back to somewhere near where it was pre covid. Councillor Cuddy stated that leisure centres are an important part of Council's business and if the income is not there it puts more pressure on other things.

Councillor Molloy stated it was important to strike a balance in having pricing at a rate that Council is competitive and facilities being used rather than over pricing.

- Resolved** That it be recommended to Council –
- To approve the Health, Leisure and Wellbeing Scale of Charges 2023/24 as set out at appendix 1 of report.
  - To write to Southern Trust in relation to cervical smear testing and the importance of having these tests carried out and results coming back in a timely manner.

#### **D028/23 Commencement of Sections 1-12 of the Private Tenancies Act (Northern Ireland) 2022**

The Assistant Director of Health, Leisure and Wellbeing (AD: HL&W) presented previously circulated report which provided update on the new provisions of the Private Tenancies Act (NI) 2022 commencing on 1 April 2023 and sought approval to set fixed penalty levels for certain offences under said Act.

Proposed by Councillor Clarke  
Seconded by Councillor Corry and

- Resolved** That it be recommended to Council to note the new legislative powers for Council in relation to the private rented sector and to give approval for Officers to enforce by way of fixed penalty levels at £500 for offences detailed as per sections 3.5 through to section 3.10 of report.

Councillor Monteith stated that this is statutory legislation which Council did not have a lot of say over. The Councillor referred to the fixed penalties for non registered landlords and asked how many these fines have been issued since the legislation was brought in.

The SD: C&P advised that the number of fixed penalties issued would not be available tonight but that the Member could be advised of the figure in the coming days.

Councillor Monteith stated that tenants are struggling and felt that if Council does have powers to enact and enforce tenant rights it should be pro active in letting people know that they can contact Council in relation to these issues. The Councillor stated that the promotion of these rights needs to be done in a number of languages and should be carried out every couple of months. Councillor Monteith stated that the vast majority of private tenancies are dealt with through agents and suggested that all those tenants should be provided with the legislative powers of Council. Councillor Monteith proposed writing to all agents asking for information on anyone they know who is facilitating a private rental property and is not registered. The Councillor stated that Council needs to find landlords who are not registered and should be encouraging tenants that they do have recourse to Environmental Health in relation to fitness and the standard of housing. Councillor Monteith proposed that detail on the number of fines for non registered landlords be provided, that new tenant rights are promoted and that this is done regularly and in different languages. Councillor Monteith further proposed that letting agents are asked to include the new rights within new private lets that they are involved in and that letting agents are asked to work with Council to ensure all landlords are registered. The Councillor stated that Council should support tenants because when tenants complain about housing this can often lead to eviction. The Councillor stated that this is a chance for Council to take the lead in relation to housing standards and make a difference in peoples lives.

Councillor Corry seconded Councillor Monteith's proposal.

- Resolved** That it be recommended to Council –
- To provide detail in relation to number of fines issued for non registered landlords since legislation was brought in.
  - To promote new tenant rights and that this be done regularly and in different languages.
  - To ask letting agents to include the new rights in new private lets that they are involved in and ask them to work with Council to ensure all landlords are registered.

## **D029/23 Pitch and Recreational Spaces Strategy**

The Assistant Director of Health, Leisure and Wellbeing (AD: HL&W) presented previously circulated report which sought approval to adopt the proposed Pitch and Recreational Spaces Five Year Strategic Plan.

The Chair, Councillor Clarke stated this is a good piece of work which needed to be done and provides a framework for the future.

Councillor Molloy thanked the officer for the comprehensive report and stated that the report identifies what a lot of Members already know but that it helps to see where the gaps are and that the report will be a useful tool going forward. The Councillor stated that community provision tends to be largely in the GAA and rugby



sector where these clubs are providing their own facilities and that Council has to find a way of supporting those clubs and those communities by helping them maintain and grow their facilities for the betterment of the community. In terms of the schools sector Councillor Molloy stated that there is a realisation for schools in that it makes sense to open up their facilities out of hours and that this can be a revenue stream for them. The Councillor stated it is important to engage with school principals and Boards of Governors on this matter to make them aware that Council is interested in working with them to open up their facilities and the benefits that this can bring. Councillor Molloy stated that the facilities tend to be at secondary level schools but that there is also scope to engage with primary level as well. Councillor Molloy stated that there is ongoing work to be done but that the report forms a good start and proposed the report recommendations.

Councillor Ashton referred to the partnership working of Council and stated that she found this is the best way of delivering in rural communities. The Councillor spoke in relation to Council partnership with DfC and Aughnacloy College to deliver a state of the art sports facility in Aughnacloy. Councillor Ashton referred to page 233 of the report which states that the use of the facility is three hours by two organisations and advised that the site opened in 2018 and that since Covid restrictions have lifted the site is thriving every night of the week and is used from 7am every Saturday with usage including soccer, gaelic and rugby. The Councillor stated that this is testament to the effort put in by the community, Council and the Department to show that the facility is needed in the area and that the community have taken ownership of it. Councillor Ashton highlighted through the report the usage of the grass pitch in Aughnacloy and that this facility has had no bookings and that alternative use can be considered at that location. The Councillor referred to the growth of the facility at Aughnacloy and stated that Ulster Rugby have come on board with the school and would also seek the support of Council to make Aughnacloy College a hub for the west. Councillor Ashton stated this is a huge coo for the Council that an organisation such as Ulster Rugby want to invest in this area and see the benefit of the Aughnacloy site. The Councillor stated that the investment in Aughnacloy and the benefit this has given young boys in particular resulted in Aughnacloy College boys winning the School Cup for the first time and that this is a direct result of being able to access the facilities in Aughnacloy. Councillor Ashton seconded Councillor Molloy's proposal and further proposed that in order to progress the Ulster Rugby project that Council move to engage with the EA ahead of March P&R Committee in order to progress the Ulster Rugby hub project in Aughnacloy.

Councillor Wilson stated that MUSA is centre of excellence within Mid Ulster and referred to the pitches only achieving a 'good' assessment and that this needed to improve. The Councillor stated that the part of the report he was disappointed in was that of hockey. Councillor Wilson stated that Cookstown Hockey Club play in the highest league and that this Council offers nothing to the sport. The Councillor referred to the indoor arena which some of the hockey clubs use during the year but that this is only for practice and stated that there was an overall lack of facilities provided by Council for hockey. Councillor Wilson asked that officers meet with representatives of the hockey clubs to discuss a way forward.

Councillor Black seconded Councillor Ashton's proposal.

Councillor Monteith stated he had no difficulty with what was within the report but agreed with the comments in relation to inaccuracies in relation to usage. Councillor Monteith referred to page 113 of the report and the assertion that GAA is a Spring and Summer sport, the Councillor stated that nothing could be further from the truth. Councillor Monteith stated that there is a severe lack of GAA pitches across Mid Ulster and highlighted provision for soccer is 57 pitches to facilitate 491 participants, rugby has 17 pitches to facilitate 1084 participants and GAA has 122 pitches to facilitate 14348 participants. The Councillor stated he was not suggesting that Council have the resources or capital ability to meet that demand but that he was frustrated that the report does not outline projection demand for any sport. Councillor Monteith stated that Council is in the process of producing a Development Plan and that a projection of pitches is needed, particularly in urban areas and that land needs to be zoned for this. *Councillor Monteith declared an interest that he is involved in the GAA in an urban context.* The Councillor stated he accepted that Council cannot finance everything but that clubs needed to be given the chance to expand in any sport. Councillor Monteith stated that if Council is serious at promoting health and fitness from a young age then the facilities need to be in the areas that people live in. The Councillor expressed disappointment that there didn't seem to be any recognition of the Development Plan and how the growth of a club can be facilitated. Councillor Monteith proposed some work in relation to this and that officers engage with planning. Councillor Monteith also stated Council should not be approving planning permission for any school which does not have recreational space and highlighted that some of the biggest primary schools in the area have no green space within their curtilage. The Councillor stated he was disappointed the report did not go further as it has taken a long time to get to this stage and that going forward officers needed to consider the Development Plan and engage with planners on this.

Councillor Kerr supported the comments raised by Councillors Monteith and Molloy and that he knew from being involved with his local club the clashes there can be between teams regarding usage of facilities. Councillor Kerr seconded Councillor Monteith's proposal.

The SD: C&P thanked Members for their input and stated that with any strategy the evidence and consultation is a snapshot in time and that this is used as the baseline to understand what needs to be done to meet current demand. The SD: C&P assured Members that on moving through the delivery of the strategy the baseline figures will be reviewed to ensure future proofing and that the work that is delivered as part of the strategy helps longer term need. The SD: C&P stated that the work in relation to schools is important and that there is work ongoing with schools across the District to look at projects to open up school sites for community use and that hopefully there will be more of this activity ongoing throughout the strategy. The SD: C&P stated that the strategy cuts across five sporting codes and that hockey is one of these codes. The SD: C&P stated that there is some recognition in terms of the work that is needed in relation to local hockey clubs but that there are also opportunities across all of the sporting clubs to work together to help them move forward with their own aspirations. The SD: C&P advised that once financing is released updates on the strategy will be provided to Committee.

Councillor Wilson referred to the officer's comments in relation to consultations with groups and that this will be a rolling process. The Councillor stated hockey is mentioned but that there is nothing within the strategy for that sport. Councillor Wilson stated he felt it would be useful to have a meeting with Cookstown, Dungannon and Magherafelt hockey clubs to give them some reassurance.

The SD: C&P took on board the Councillors comments and stated that within the action plan there are SLA partnership arrangements identified around the hockey clubs and that the clubs will be brought on board and that there will be further conversations with them regarding how Council can support them and their aspirations. The SD: C&P reassured Councillor Wilson that hockey will not be forgotten about under the strategy.

Councillor Wilson stated that what the officer had outlined needs to be beefed up so that the hockey clubs see something for them within the strategy.

The AD: HL&W stated that over the last number of years hockey have been able to avail of the schools facilities access fund and confirmed that the strategy seeks to formalise arrangements with Cookstown and Dungannon Hockey clubs. The AD: HL&W advised that the survey taken in 2021 was a snapshot in time and that this is a first time inventory and that the figures obtained then need to be used as a platform to build on for the future.

*Councillor Monteith left the meeting at 8.23 pm*

- Resolved** That it be recommended to Council –
- To approve the Pitch and Recreational Spaces Five Year Strategic Plan;
  - To recommend to the Policy & Resources Committee that the Pitch & Recreational Strategy 2023 -2028 is included as part of the Council capital programme and the required capital financing allocated (£4,273,792).
  - Consideration of the additional re-current revenue costs (approx. £76k per annum) as part of the 24/25 rates estimates and beyond.
  - To engage with the EA, in advance of the March P&R Committee, to progress the Ulster Rugby hub project in Aughnacloy.
  - To recognise the Development Plan and engage with planners in relation to future growth provision of clubs, particularly in urban areas.
  - To engage with planners in relation to ensuring new schools have recreation space within their curtilage.

**D030/23 Funding offer from Department of Business Energy & Industrial Strategy (BEIS) 2022-2023**

The Assistant Director of Health, Leisure and Wellbeing (AD: HL&W) presented previously circulated report outlined a potential funding opportunity for the Environmental Health service from the OPSS for 'The Capacity & Capability Building Programme in Northern Ireland: Non-Food Products 2022'. Funding is for the period 1st July 2022 – 31st March 2023.

Councillor Wilson asked if this was a follow up to funding headed by Causeway Coast and Glens Council last year.

The AD: HL&W advised this funding was completely separate, that the funding is for consumer product safety work, items which may exist in each of the Council's work plans through Environmental Health and the opportunity to do some extra work between now and year end to support businesses in their obligations regarding product safety.

Councillor Wilson clarified if this had anything to do with the Protocol.

The AD: HL&W stated there was nothing mentioned within the documentation to suggest this and that a clear direction has been given by the funder that this is for non food consumer product safety work.

Councillor Kerr proposed the recommendation. Councillor Kerr advised that someone from the National Association of Drainage Contractors had contacted him in relation to shortage of staff within the industry and difficulties in accessing local labour and suggested that the local college and labour partnership tie in with them to offer access to training courses. The Councillor asked that officers make contact with this person in relation to same. Councillor Kerr also referred to European Social Fund which is coming to an end in the coming months and that there are residents who may be facing redundancy because of this. The Councillor asked that Council reach out to local colleges and trade unions to see if there is anything it can do to prevent job losses when the funding comes to an end.

Councillor McNamee seconded Councillor Kerr's proposal.

**Resolved** That it be recommended to Council to accept the offer of funding from OPPS (up to a maximum of £55,000) in relation to activities undertaken in 2022/2023, and if accepted, that it be recommended to the Chief Executive that he operate his Delegated Authority Resolve under the Scheme of Delegation for Senior Officers to sign and return the funding agreement between Mid Ulster District Council and the Department of Business Energy & Industrial Strategy (BEIS).

### **D031/23 Economic Development Report - OBF**

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

- Association of Town Centre Management – Membership Renewal
- Independent Evaluation of Council's Business Support Programme
- Lough Neagh Rescue (2022-2023) – Draft Service Level Agreement
- Sperrins Partnership Agreement
- Tourism Spring Campaign 2023

*Councillors Cuddy, Molloy and Wilson declared an interest in this item.*

Councillor Quinn proposed all the report recommendations and in particular the one for Lough Neagh Rescue as he stated they do great work. Councillor Quinn referred to the three Councils who contribute and asked if this used to be five.

The AD: EDT&SP stated that there are three main funders, these being the three Councils with the largest borders around the Lough.

Councillor Kerr seconded Councillor Quinn's proposal.

- Resolved** That it be recommended to Council –
- Association of Town Centre Management - Membership Renewal -**  
To renew its ATCM membership (January 2023 – January 2024) at a cost of £595 (excluding Vat).
- Independent Evaluation of Council's Business Support Programmes –**
- That officers proceed to seek competitive quotations to appoint a suitably qualified organisation/consultant to undertake an Independent Evaluation of Council's suite of Business Support Programmes, with costs to be funded from the 2023/24 economic development budget in the region of £15,000 (excl Vat).
  - That the Chief Executive be awarded delegated authority to appoint the successful organisation/consultant following the quotation exercise to allow work to commence as soon as possible.
- Lough Neagh Rescue (2022-2023) – Service Level Agreement -**
- To approve annual contribution of £12,000 to Lough Neagh Rescue from Council's 2022/2023 tourism budget;
  - To approve Mid Ulster District Council's Service Level Agreement with Lough Neagh Rescue (LNR) on Appendix 3, for the 2022-2023 financial year (subject to final review of SLA by Legal Services) and release the full payment to LNR once the Agreement has been signed and returned and Council provided with all the requisite documentation.
- Sperrins Partnership Agreement Approval -**  
To retract Mid Ulster Council's 2022/2023 Service Level Agreement for £22,000, issued earlier this year to Derry & Strabane Council (the Lead Council for Sperrins Partnership) and revert to make payments against the original Partnership Agreement dated 2020, until it expires in 2023, after which a new Agreement can be developed. This change has no material impact upon the delivery of the Sperrins Partnership Action Plan, but rather sought to align the governance arrangements with partners/organisations, funded from Council's economic development, tourism and strategic programmes service plan.
- Tourism Spring Campaign 2023 –**  
To retrospectively approve the Tourism Spring Marketing Campaign and for the Chief Executive to sign and return Tourism NI's offer of funding totalling £20,000 for the Co-operative Partnership Marketing Fund, in order to meet the timeframe to return the Service Level Agreement by 31 January 2023. To also retrospectively approve provision of up to £7,000 match funding from Council's Tourism budget.

## **D032/23 SOLACE Report on Strategic Funding Alignment**

The Assistant Director of Economic Development, Tourism & Strategic Programmes (AD: EDT&SP) presented previously circulated report which provided an update on a SOLACE NI Report (prepared by Ekosgen), focusing on Strategic Funding Alignment to Map Investment Fund Opportunities in Northern Ireland.

Proposed by Councillor Cuddy  
Seconded by Councillor Kerr and

- Resolved** That it be recommended to Council -
- To endorse the Report and Investment Mapping Tool appended to this report, produced by Ekosgen.
  - To agree that officers use this report and the Investment Mapping Tool as a 'live' tool which should be updated as may be required to guide and inform the approach to funding opportunities.
  - To agree that officers consider the establishment of a process to continuously review and update the investment mapping tool, investment/funding opportunities and approved/committed projects internally and also across local government. Consideration should be given to the resource implications of introducing and maintaining this process.
  - To agree to share the final report as appropriate, with relevant partner organisations eg, Community Planning Partnerships, City and Growth Deal Board's etc.
  - To agree that Council pay an equal share of costs to SOLACE NI to fund development of the report, ie, £1,310.

## **Matters for Information**

### **D033/23 Minutes of Development Committee held on 12 January 2023**

Members noted Minutes of Development Committee held on 12 January 2023.

Councillor Kerr asked if there was an update on the Altmore/Cappagh project and asked if officers can contact Forest Service as some people have been in contact with him regarding the trails and improving accessibility. Councillor Kerr referred to the Maghera Regeneration Project being successful in obtaining Levelling Up Funding and that Gortgonis Health and Community Hub wasn't and asked for update on the Gortgonis project.

The SD: C&P stated that in respect of the Altmore/Cappagh project there was funding through NIEA for masterplanning work but unfortunately a suitable contractor could not be secured for this work which means that it cannot be delivered before the end of the financial year. The SD: C&P advised that officers are looking at alternative plans of what can be done going into the new financial year. In relation to Gortgonis, the SD: C&P advised there was no further update from that which went to the Policy and Resources Committee but that officers are seeking to progress the

enabling works agreed at the last Committee meeting and that further updates will be brought through the Policy and Resources Committee.

**D034/23 Economic Development Report - OBFI**

Members noted update on key activities as listed below:

- Dungannon Traders Association Proposal
- Levelling Up Fund Capital Funding (Round 2)
- Mid Ulster International Women’s Day Events

*Live broadcast ended at 8.40 pm.*

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

Proposed by Councillor Wilson  
Seconded by Councillor Kerr and

**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 D035/23 to D039/23.

**Matters for Decision**

- D035/23 Development Report – Arts (SHHP)
- D036/23 Tender for the maintenance of play equipment and associated landscape works
- D037/23 Clean Neighbourhood Action Plan
- D038/23 Council Led Entrepreneurship Support Service – Shared Prosperity Fund Bid

**Matters for Information**

- D039/23 Confidential Minutes of Development Committee held on 12 January 2023

**D040/23 Duration of Meeting**

The meeting commenced at 7pm and concluded at 9.00 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



<b>Report on</b>	Conferences, Seminars & Training
<b>Date of Meeting</b>	23 February 2023
<b>Reporting Officer</b>	Joseph McGuckin, Head of Strategic Services & Engagement
<b>Contact Officer</b>	Eileen Forde, Member Support Officer

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

<b>1.0</b>	<b>Purpose of Report</b>
1.1	Provide an update on 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 2022-23 member Conference, Seminar and Training allocations.
<b>3.0</b>	<b>Main Report</b>
3.1	<b>Approval for Consideration of Attendance by Elected Members</b>  There are occasions when it is beneficial to Members to attend training, conferences and seminars to better equip them in their role as elected representatives. Approval for attendance as detailed in Appendix 1 to this report is sought.
3.2	<b>Officer Approvals</b>  There are occasions when it is beneficial to the council for Officers to attend conferences and seminars. Approval for attendance as detailed in Appendix B to this report is sought.
<b>4.0</b>	<b>Other Considerations</b>
4.1	<b>Financial, Human Resources &amp; Risk Implications</b>

	Financial: Costs to be set against Members 2022/2023 conference/seminar/training allocation. Any costs incurred above annual allocation to be incurred by Member
	Human: not applicable
	Risk Management: not applicable
<b>4.2</b>	<b>Screening &amp; Impact Assessments</b>
	Equality & Good Relations Implications: not applicable
	Rural Needs Implications: not applicable
<b>5.0</b>	<b>Recommendation(s)</b>
5.1	Approval for attendance at the conferences, seminars and training by members and council officers as required.
<b>6.0</b>	<b>Documents Attached &amp; References</b>
	Appendix 1 Elected Member Conferences, Seminars & Training Appendix 2 Officer Conferences, Seminars & Training

**Member Training**

Provider/Course	Date & Time	Location	Costs	Attendee Requests
CatchmentCARE Final Conference	20 April 2023	Villa Rose Hotel and Spa, Main Street Ballybofey Ireland	No conference fee Travel & Subsistence	

## **CatchmentCARE Final Conference**

**Date: 20 April 2023**

**Location: Villa Rose Hotel and Spa, Main Street Ballybofey Ireland**

At the Closing Conference, project stakeholders, experts and practitioners in water quality and catchment restoration will share their achievements and best practice experiences, and will give their insights into the impact the CatchmentCARE project has had in the cross-border region.

### **Key Themes**

Themes covered at the conference include:

#### **SESSION 1 - Community Action and Outreach**

- Community Incentive Scheme – Design and Rollout
- Education Programme – Rollout and Engagement with local schools
- Knowledge Transfer & Engagement – Project Resources

#### **SESSION 2 – Ecosystems Action**

- Water Body Restoration
- Catchment Interventions

#### **SESSION 3 – Building Resilience**

- Providing a legacy for policy
- Protecting the groundwater resource

## Approval – Conferences – February 2023

### Retrospective Approval – Conferences

<b>Details of Conferences</b>	<b>Service/ Directorate</b>	<b>No. Attending</b>	<b>Cost</b>	<b>Date</b>	<b>Location</b>
Local Government Conference – Responding to Future Challenges	Environment	1  (1 previously approved)	£99 + vat	23 February 2023	Omagh
Annual Fire Safety Conference	Environment	8	£175 + vat p/p	23 <sup>rd</sup> & 24 <sup>th</sup> February	Armagh



<b>Report on</b>	Consideration of Requests for Civic Recognition
<b>Date of Meeting</b>	Thursday 23 February 2023
<b>Reporting Officer</b>	J McGuckin, Head of Strategic Services & Engagement
<b>Contact Officer</b>	E Forde, Member Support Officer

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

<b>1.0</b>	<b>Purpose of Report</b>					
1.1	To consider approval of request(s) for civic recognition from members, in line with council's current <i>Civic Honour and Receptions Policy</i> .					
<b>2.0</b>	<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	<p><b><u>Recognition</u></b></p> <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 border="1" style="margin-left: 20px;"> <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 border="1" style="margin-left: 20px;"> <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> <tr> <td>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</td> </tr> </table> </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 current policy.</p>	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	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
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						
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						

<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.
<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: February 2023 Requests for Civic Recognition Submitted: For Approval

### Category: Civic Honour

Proposed Recipient	Achievement	Submitted by	Condition/Criteria Met	Recipient Previously Acknowledged

### Category: Civic Reception

Proposed Recipient	Achievement	Submitted by	Condition/Criteria Met	Recipient Previously Acknowledged
Gareth Devlin	Top Scorer in the All-Ireland Junior Club Competition  Also Gaelic Life All Star	Cllr Kerr Cllr Monteith Cllr N McAleer	<ul style="list-style-type: none"> <li>Outstanding Achievement</li> </ul>	For: Not Applicable  Date:
St. Patrick's Academy Dungannon	Father Davies Cup Senior Camogs	Cllr Kerr Cllr Monteith Cllr McAleer	<ul style="list-style-type: none"> <li>Won Competition at National Level</li> </ul>	For: Recognition previously but different team  Date: Feb 2020
St. Mary's Grammar School Under 20's Ladies Team	Won U20B Ulster Football Final	Cllr Totten Cllr Clarke Cllr D McPeake Cllr S McPeake Cllr Elattar Cllr Milne Cllr B McGuigan	<ul style="list-style-type: none"> <li>Won Competition at National Level</li> </ul>	For: Not Applicable  Date:

## Appendix A: February 2023 Requests for Civic Recognition Submitted: For Approval

		Cllr Corry Cllr Kerr		
St. Pius X College Under 16½ Team	Won the Ulster Schools U16½ Rafferty Cup Final	Cllr Totten Cllr Clarke Cllr D McPeake Cllr S McPeake Cllr Elattar Cllr Milne Cllr B McGuigan Cllr Corry Cllr McFlynn Cllr Kearney	<ul style="list-style-type: none"> <li>Won Competition at National Level</li> </ul>	For: Not Applicable  Date:
Bosco McShane	Awarded Wedding DJ of the Year Award 2022	Cllr Kerr Cllr Monteith	<ul style="list-style-type: none"> <li>Won Competition at National Level</li> </ul>	For: Not Applicable  Date:
Kyran Robinson	Gaelic Life: Ulster All Star	Cllr Kerr Cllr Monteith Cllr N McAleer	<ul style="list-style-type: none"> <li>Outstanding Achievement</li> </ul>	For: Not Applicable  Date:
Orlagh Gavin	Gaelic Life: Ulster All Star	Cllrs Kerr Cllr Monteith Cllr Oneill	<ul style="list-style-type: none"> <li>Outstanding Achievement</li> </ul>	For: Not Applicable  Date:
Rainey Hockey Club U11 Girls	Won Ulster hockey U11 Cup	Cllr McFlynn Cllr Martin	<ul style="list-style-type: none"> <li>Won Competition at National Level</li> </ul>	For: Not Applicable  Date:

## Appendix A: February 2023 Requests for Civic Recognition Submitted: For Approval

St Patrick's Academy Dungannon	IM Relay Ulster Schools Swimming Championship  Team Members: Dovydas Petrauskas, Alan Karchenko, Danny White, Caolon Fox)	Cllr Kerr Cllr Monteith	<ul style="list-style-type: none"> <li>• Won Competition at National Level</li> </ul>	For: Not Applicable Date:
St Joseph's Grammar School, Donaghmore – U19 Boys	Won the 2023 McLarnon Cup	Cllr Kerr Cllr Monteith Cllr S McGuigan	<ul style="list-style-type: none"> <li>• Won Competition at National Level</li> </ul>	For: Not Applicable Date:
Tina Bradley	Gaelic Life: Ulster All Star Camogie	Cllr Kearney Cllr McFlynn	<ul style="list-style-type: none"> <li>• Outstanding Achievement</li> </ul>	For: Not Applicable Date:
Paul McNeill	Gaelic Life: Ulster All Star Hurling	Cllr Kearney Cllr McFlynn	Outstanding Achievement	For: Not Applicable Date:
St Colms High School	Ulster Champions 2023 Ladies Football	Cllr Corry Cllr B McGuigan Cllr Elattar	Won Competition at National Level	For: Not Applicable Date:
Enda McGarrity	Gaelic Life: Ulster All Star Football	Cllr N McAleer Cllr Monteith Cllr Kerr	Outstanding Achievement	For: Not Applicable Date:
Liam Rafferty	Gaelic Life: Ulster All Star Football	Cllr N McAleer Cllr Monteith Cllr Kerr	Outstanding Achievement	For: Not Applicable Date:



<b>Report on</b>	Consultations notified to Mid Ulster District Council
<b>Date of Meeting</b>	23 February 2023
<b>Reporting Officer</b>	Joe McGuckin, Head of Strategic Services & Engagement
<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.
<b>2.0</b>	<b>Background</b>
2.1	Council is a consultee for many government departments, statutory agencies and other bodies, and as such receives consultation documentation inviting commentary on a wide range of issues that may be pertinent to council services and/or the District.
<b>3.0</b>	<b>Main Report</b>
3.1	Documentation relating to the aforementioned consultations can be accessed via the links provided in the table provided in Appendix A.
<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
Southern Health and Social Care Trust	Consultation on Reforming Emergency General Surgery Provision Across Southern Trust	This consultation relates to the Trust's proposal to provide Emergency General Surgery Services on the Craigavon Area Hospital Site 24 hours per day 7 days per week. Associated Listening Events will be held online on 24 <sup>th</sup> Feb, 3 <sup>rd</sup> March, 9 <sup>th</sup> March (register via <a href="mailto:consultations@southerntrust.hscni.net">consultations@southerntrust.hscni.net</a> )	21st April 2023	No
	Link to Consultation	<a href="https://southerntrust.hscni.net/involving-you/consultations/">https://southerntrust.hscni.net/involving-you/consultations/</a>		
	Delegated Authority required to be granted to a Committee if Council agrees that a response should be made (where an extension is not given)?		No- a draft response could be considered at April's P&R Committee Meeting.	
Organisation	Consultation Title	Issue	Closing Date	Response Currently Being Developed
Department of Health	Consultation on New Domestic and Sexual Abuse Strategy	The strategy, covering the period 2023-2030, applies to all victims, regardless of age, gender, gender identity, sexual orientation, ethnicity and background, while also recognising that women are disproportionately affected by domestic and sexual abuse. This draft strategy proposes four key pillars; partnership, prevention, support and justice.	2 May 2023	No
	Link to Consultation	<a href="https://www.health-ni.gov.uk/news/consultation-new-domestic-and-sexual-abuse-strategy">https://www.health-ni.gov.uk/news/consultation-new-domestic-and-sexual-abuse-strategy</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- a draft response could be considered at April's P&R Committee Meeting.	
<b>Organisation</b>	<b>Consultation Title</b>	<b>Issue</b>	<b>Closing Date</b>	<b>Response Currently Being Developed</b>
<b>HM Revenue &amp; Customs</b>	<b>Draft regulations: Alcoholic Products (Excise Duty) Regulations</b>	The government is seeking views on these draft regulations, which relate to the first phase of changes under the Alcohol Duty Review measure.	1:45pm on 9 April 2023	No
	<b>Link to the Consultation</b>	<a href="https://www.gov.uk/government/consultations/draft-regulations-alcoholic-products-excise-duty-regulations?utm_source=OEImp_DL&amp;utm_medium=Stk_Email&amp;utm_campaign=SecLegCons">https://www.gov.uk/government/consultations/draft-regulations-alcoholic-products-excise-duty-regulations?utm_source=OEImp_DL&amp;utm_medium=Stk_Email&amp;utm_campaign=SecLegCons</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		





<b>Report on</b>	Correspondence to Council
<b>Date of Meeting</b>	Thursday 23 February 2023
<b>Reporting Officer</b>	J McGuckin Head of Strategic Services & Engagement
<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 The Soldiers Charity</b></p> <p>The Chief Executive has received correspondence from the Soldiers Charity to extend an invitation to a concert at the Waterfront Hall at a cost of £65 per person. Refer to Appendix A</p>
3.2	<p><b>Correspondence from BBC Northern Ireland</b></p> <p>The Chair has received a response to letter sent regarding the impact of BBC Northern Ireland Savings and Renewal Plan 2023/24 and its impact on Radio Foyle. Refer to Appendix B</p>
3.3	<p><b>Correspondence from HM Treasury</b></p> <p>The Chair has received a response from HM Treasury in response to letter sent to Prime Minister and the Chancellor of the Exchequer regarding the cost of living crisis. Refer to Appendix C</p>
3.4	<p><b>Correspondence from Derry City &amp; Strabane District Council</b></p> <p>The Chief Executive has received a response from Derry &amp; Strabane District Council seeking support for motion carried in relation to funding a feasibility study into re-opening the former Great Northern Railway line. Refer to Appendix D</p>
3.5	<b>Northern Ireland Water</b>

3.6	<p>The Chair has received a response from NI Water in relation to Councils most recent letter regarding mast and reservoir at Castlehill, Dungannon. A meeting date is being progressed. Refer to Appendix E</p> <p><b>Department for the Economy</b></p> <p>The Chair has received a response from the Permanent Secretary of Department for the Economy regarding Councils support of Newry Mourne &amp; Down District Council motion in relation to workers tips. Refer to Appendix F</p>
3.7	<p><b>Department for Infrastructure</b></p> <p>The Chair has received a response from DfI Western Division Manager regarding the gritting of rural roads. Refer To Appendix G</p>
3.8	<p>The Chair has received a response from DfI Western Division Manager regarding the roadworks in Dungannon area and issues relating to M1. Refer to Appendix H</p>
<b>4.0</b>	<b>Other Considerations</b>
4.1	<p><b>Financial, Human Resources &amp; Risk Implications</b></p> <p>Financial: not applicable</p> <p>Human: not applicable</p> <p>Risk Management: not applicable</p>
4.2	<p><b>Screening &amp; Impact Assessments</b></p> <p>Equality &amp; Good Relations Implications: not applicable</p> <p>Rural Needs Implications: not applicable</p>
<b>5.0</b>	<b>Recommendation(s)</b>
5.1	<p>That Council notes and considers, as necessary, the correspondence received.</p>
<b>6.0</b>	<b>Documents Attached &amp; References</b>
	<p>Appendix A: The Soldiers Charity  Appendix B: BBC Northern Ireland  Appendix C: HM Treasury  Appendix D: Derry &amp; Strabane District Council  Appendix E: NI Water  Appendix F: Permanent Secretary Department for Environment</p>

	Appendix G: Department for Infrastructure Appendix H: Department for Infrastructure
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President  
General Sir James Everard KCB CBE

Chairman of Trustees  
Lieutenant General Philip Jones CB CBE DL

Chief Executive  
Major General Tim Hyams CB OBE

ABF The Soldiers' Charity (Northern Ireland)  
Building 115, Thiepval Barracks, Lisburn BT28 3NP  
02892 678112 ni@soldierscharity.org www.soldierscharity.org

NI Councils List A.

12<sup>th</sup> January 2023

**MUSICAL TRIBUTE TO HM QUEEN ELIZABETH II – WATERFRONT HALL, 15 APR 2023**

*Dear Adrian / Adrian à chère,*

On behalf of our Hon Regional President, The Viscount Brookeborough KG, I would like to inform you of our Tribute Concert at the Waterfront Hall, Belfast, featuring the Band, Bugles, Pipes and Drums of the Royal Irish Regiment. It will take place on the evening of Saturday 15<sup>th</sup> April 2023, as a commemoration of Her Majesty's long reign, through the medium of music and to raise funds for soldiers, ex-soldiers and their families in times of need.

ABF The Soldiers' Charity, (formerly the Army Benevolent Fund), has been in existence since 1944 and supports soldiers, veterans and army families who have fallen upon hard times, raising around £8 million annually to meet this need. Should you wish to know more about the work of the charity, you can visit our website at [www.soldierscharity.org](http://www.soldierscharity.org).

We would like to invite a group of your Councillors and staff to attend and I would be grateful if you could enter the date of the concert into your forecast of events for 2023 and support the charity by planning to attend what I know will be a tremendously entertaining evening. VIP tickets cost £65 and allow the holders to relax in a VIP lounge with drinks and nibbles as part of the ticket price, both before the show and during the interval. VIP seating is also included for the performance.

If you have any enquiries, don't hesitate to contact me on [ni@soldierscharity.org](mailto:ni@soldierscharity.org) or by calling 02892 678112. Please note that we work from home on Mondays and Fridays.

Best wishes,

*à vous*

*David*

David Forsey  
Director (NI)

Received

24 JAN 2023

Chief Executive

**BBC Northern Ireland**

Broadcasting House,  
Ormeau Avenue,  
Belfast BT2 8HQ

028 9033 8000  
[bbc.co.uk/northernireland](http://bbc.co.uk/northernireland)

08 February, 2023

Dear Cllr Corry

**Foyle Update – BBC Northern Ireland Savings and Renewal Plan 2023/24**

I'm replying to your recent letter, which was also sent to senior BBC colleagues, about the Foyle-related aspects of BBCNI's savings and renewal plan 2023/24.

We said from the outset (29 November) that **we were committed to Foyle's continuing role as a production base for the BBC's local and region-wide content.**

We also said that we wanted to:

- **enhance digital news provision from/about the Foyle area and how this would complement (and inform) other BBC output;**
- **bring Foyle's news team into BBC News NI's region-wide operation, with all of the editorial and audience benefits that this will provide, including career progression for staff;**
- **retain a 30mins weekday news programme on Foyle and with a broadcast slot that would maximise its reach and impact;**
- **achieve 35-40 post closures across BBCNI departments through voluntary redundancy;**
- **take careful account of feedback from BBC staff, the trade unions and audiences about our savings and reinvestment plan and how best its objectives could be delivered.**

We can't avoid the savings that we need to make, or the difficult choices that these involve. And we need to respond to changes in how BBC audiences want to access news and information and everything else that's happening in the media marketplace. None of this is easy and we have been mindful throughout of the impact which our plans will have on BBC teams across the region – and in many different roles.

We have now done what we said we would and have gone beyond those core commitments by further strengthening news and region-wide programming in Foyle. This has involved making some additional (and not insignificant) savings and changes elsewhere. **Not everything in Foyle will stay the same and the financial context for all of this remains difficult.** We are convinced that **these updated (and now final) plans** will provide audience and operational benefits and deliver value for money. They **make tangible the ambitions that we have for Foyle and its creative potential**, whilst also acknowledging the limits of what is financially possible for BBC Northern Ireland and its services more generally.

We have now confirmed our intention (subject to the BBC's ability to confirm planned post closures) to:

- create an additional two roles in addition to the three already announced for Foyle, providing local and region-wide output on digital and audio;
- **retain hourly radio news bulletins on Foyle** each weekday until 3.00pm – something that will require additional savings being made elsewhere within BBCNI;
- make Foyle **the production base for an additional peak-time programme on BBC Radio Ulster**, in addition to several other off-peak programmes (details to be announced as part of wider schedule changes within the next month or so);
- **broadcast Foyle's 30mins radio news programme at 08.30am each weekday with an exclusively local focus;**
- launch a **12mth pilot initiative** that will mean that journalist vacancies in BBC News NI's online and news app teams will be advertised as having their primary base either in Foyle or Broadcasting House;
- **maintain existing BBC staffing levels within Foyle** with the ambition to grow and diversify the skills of its staff team and their work over time.

We appreciate what you and Council colleagues have said about the value of the BBC's news and other services for people in the North West and hope this short note provides clarity about what's been happening and anticipated next steps.

Yours sincerely



Adam Smyth  
Interim Director – BBC Northern Ireland

## Press Announcement – 29 November, 2022

BBC Northern Ireland has set out plans to facilitate the enhancement of its digital video and online services and the savings that it will need to make over the coming period.

These plans reflect a BBC-wide strategy to prioritise digital content, [announced earlier this year](#), and the need to manage inflationary and other cost pressures.

Local investment in BBC iPlayer will be increased as a result of these proposals, but there will also be output and staffing reductions in news, audio and related areas.

BBC Northern Ireland is proposing to close approximately 35-40 posts to contribute to its £2.3 million savings and reinvestment plans.

It is hoped the majority of post closures will be achieved through voluntary redundancy, with some opportunities for redeployment within BBC Northern Ireland. The proposals are now subject to consultation with staff and trade unions.

Some of BBC Northern Ireland's output will be impacted by these plans, including the breakfast-time news programme on BBC Radio Foyle and Inside Business on BBC Radio Ulster.

Efforts have been made to limit the effect of proposed changes on the scope and benefits of BBC services in Northern Ireland and local staff teams.

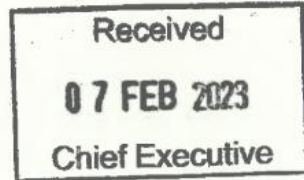
Adam Smyth, Interim Director, BBC Northern Ireland, said: "These are challenging times and we face some difficult choices, none of which are easy. We have to find monies to maintain and develop our local presence on BBC iPlayer and to absorb cost pressures across different aspects of our work. Our concern in all of this will be to safeguard audience value and benefit and to remain mindful of the impact that this announcement will have on BBC staff in Northern Ireland."

Several UK-wide operational and staffing reviews are also ongoing and these may impact other locally-based teams and roles next year.

**ends**



POA2023/00419



HM Treasury, 1 Horse Guards Road, London, SW1A 2HQ

Councillor Córa Corry  
Burn Road  
Cookstown  
BT80 8DT

Your ref: C234/22  
31 January 2023

Dear Councillor Corry,

Thank you for your letters of 2 December to both the Prime Minister and the Chancellor of the Exchequer outlining Mid Ulster District Council's call for immediate support to help people to manage the cost of living. I am replying as the Minister responsible for Public Spending. I am sorry to hear of the difficulties your constituents find themselves in.

The Government understands that people are worried about the cost of living challenges ahead. High inflation is the hidden tax – eating into wages; increasing the cost of the weekly shop and the cost of people's mortgages. That is why we are determined to get inflation down – and the Government have set out a plan that will halve inflation this year.

Decisive action has been taken to support households across the UK through cost of living challenges ahead, whilst remaining fiscally responsible. At the Autumn Statement, the Government announced further support for next year designed to target the most vulnerable households. This cost of living support is worth £26 billion in 2023/24. This action taken by the Government means that over 8 million of the most vulnerable households across the UK will continue to be supported through next winter via additional Cost of Living Payments. The Government will provide all UK households on means-tested benefits with an additional Cost of Living Payment of £900 in 2023/24 – in the same year, pensioner households will receive an additional £300 Cost of Living Payment, and individuals on disability benefits will receive an additional £150.

The Government is continuing to provide support to all UK households for their energy bills through the Energy Price Guarantee (EPG). The EPG Scheme in Northern Ireland provides households with equivalent financial support with their electricity and gas bills, saving the average consumers around £900 this winter. The Government understands people in Northern Ireland have faced severe impacts from the rising costs of energy, including the households who are reliant on alternative fuels. That is why all Northern Ireland households will also receive £600 from the Government to help with energy costs. This payment is made up of the Energy Bills Support Scheme £400 and the Alternative Fuel Payment £200.

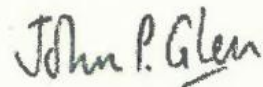
The Government remains committed to tackling low pay. From 1 April 2023, the National Living Wage (NLW) will increase by 9.7 percent to £10.42 an hour for workers aged 23 and over. This represents an increase of over £1,600 to the annual earnings of a full-time

worker on the NLW and is expected to benefit 130,000 low paid workers in Northern Ireland. This is in addition to the previously announced reversal of the Health and Social Care Levy which will have saved the average worker £310 in 2023/24.

The Government will continue to keep the situation under review and focus support on the most vulnerable whilst acting in a fiscally responsible way.

Thank you for taking the trouble to make me aware of these concerns and for the actions you are taking to support the most vulnerable in your council.

Yours sincerely,

A handwritten signature in black ink that reads "John P. Glen". The signature is written in a cursive style with a horizontal line under the name.

THE RT HON JOHN GLEN MP



Derry City & Strabane  
District Council  
Comhairle  
Chathair Dhoire &  
Cheantar an tSratha Báin  
Derry Cíttie & Stràbane  
Deistrick Council

Our Ref: CM/C45/23

10 February 2023

Adrian Mc Creesh  
Chief Executive  
Mid Ulster Council

Email: [adrian.mccreesh@midulstercouncil.org](mailto:adrian.mccreesh@midulstercouncil.org)

Dear Mr Mc Creesh

At a Meeting of Derry City and Strabane District Council held on 25 January 2023, the following Motion was passed:

**That Council further recognises the rail infrastructure neglect across the North West of this island since the then Stormont Government closed the cross-border rail network here in 1965.**

**That Council reaffirms its position to support investment of rail in the city and its expansion to other parts of our Council District which will allow for greater regional connectivity.**

**That Council recognises the need, as consequence of the All Island Strategic Rail Review, for a feasibility business case into re-opening the Great Northern Railway, connecting Derry City to Strabane, Omagh, Dungannon and ultimately Portadown allowing for connectivity with Dublin, along with facilitating new connections in County Donegal.**

**That Council actively seeks to engage with the Department of Infrastructure, Translink, Donegal County Council, Fermanagh and Omagh District Council, Mid Ulster District Council, Armagh, Banbridge and Craigavon Borough Council and the Dublin Government on jointly funding a feasibility study into re-opening the former Great Northern Railway line.**

**That Council Officers report back to the Environment and Regeneration Committee with relevant options papers and costings in relation to the feasibility study.**

**Derry**  
C/o Council Offices  
98 Strand Road  
Derry  
BT48 7KN

**Strabane**  
C/o Council Offices  
47 Derry Road  
Strabane  
BT82 8DY

**John Kelpie MEng., CEng., MIStructE., MIEI**  
Chief Executive  
Derry City and Strabane District Council

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f Derry City & Strabane District Council  
t @dcsdcouncil

**Council will write to DFI to ask for immediate clarification on what plans they have to secure the track bed off Victoria Road in order to extend rail south from Waterside Station, given the latest information received from Clanmil.**

**Council notes the 'Restoring your Railway' fund in England, Government funding to support local communities to explore the options for restoring old lines and stations, and so will write to the NI Secretary of State and the Permanent Secretary of DFI to call for a similar scheme to be introduced here.**

I would appreciate your consideration in this important matter and would be grateful for a response at your earliest opportunity.

Yours sincerely

A handwritten signature in black ink, appearing to read 'John Kelpie', with a large, stylized initial 'J'.

**John Kelpie  
Chief Executive**

**Northern Ireland Water**

PO Box 1026  
Belfast  
BT1 9DJ  
[www.niwater.com](http://www.niwater.com)

Tel: 0345 7440088



Eileen.forde@midulstercouncil.org

10 February 2023

Dear Cora

**Re: NI Water Telecommunications Mast & Reservoir – Castlehill, Dungannon**

Thank you for your letter dated 31 January 2023, further to our previous correspondence regarding NI Water's Telecommunications Mast at Castlehill, Dungannon, and the Council's ongoing concern about its visual impact.

As you will be aware, NI Water is a regulated utility and as such it is required to ensure that expenditure is aligned with the outputs that are set for it by UREGNI. As a government owned body, NI Water must also ensure that it complies with guidance in respect to Managing Public Money. There are currently over 100 economically constrained areas in Northern Ireland, operating near or above their design capacity, either at the Wastewater Treatment Works or within the sewer network. Sustained, and secure levels of investment over multiple Price Controls will be required, if NI Water is to recover from the historic underinvestment in water and sewerage services that has created the current situation of capacity constraint in so many locations. This funding is not guaranteed.

Future budgets and current costs increases aside, in this context I regret therefore to advise you that NI Water is not funded to establish an alternative telecoms solution in this location, as the cost would be significant.

In the event that alternative sources of funding to replace the mast were to be obtained, via the Council or another body, NI Water would need to be assured that not only would the solution enable NI Water's essential services to be maintained but that such a solution would also meet the needs of the 3rd party telecom and blue light service providers who are currently hosted on the mast, and from whom an income is obtained. In this context it would not be appropriate for Council representatives to meet with NI Water.



NI Water does however understand the Council's concerns and wishes to assist in so far as it is able. If it is helpful, NI Water would welcome the opportunity to meet with Council representatives to discuss how it may be able to part-fund an appropriately procured feasibility study to help the Council and other stakeholders to understand what alternatives to the mast may be possible and the associated cost estimates for such a solution. The current estimated cost for a feasibility study is approximately £60k. Such an offer of assistance would have to be based on a shared understanding with Mid Ulster District Council that NI Water cannot fund any subsequent work identified by the feasibility study to relocate the mast.

Our Chief Information Officer Peter Semple and our Head of Telemetry and Telecoms Pearse Bradley would be happy to meet with Council representatives in this regard, if it would be useful. If the Council would like to suggest some dates and times via e-mail to [waterline@niwater.com](mailto:waterline@niwater.com), marked for Peter and Pearse's attention, our team will confirm their availability and get back to you.

Lastly, I would note in your most recent letter you have mentioned NI Water's Service Reservoir at Castlehill as well, in the context of its environmental impact. This reservoir is an integral part of our potable water infrastructure in the area storing drinking water for local distribution. We could not therefore consider relocating it.

I hope you find this response helpful.

Yours sincerely



**Sara Venning**  
Chief Executive

**FROM THE PERMANENT SECRETARY**



Councillor Cora Corry  
Chair  
Mid Ulster District Council

[Eileen.Forde@midulstercouncil.org](mailto:Eileen.Forde@midulstercouncil.org)

Adelaide House  
39-49 Adelaide Street  
Belfast, BT2 8FD  
Tel: 028 90529441  
Email: [permanent.secretarysupport@economy-ni.gov.uk](mailto:permanent.secretarysupport@economy-ni.gov.uk)

**Our Ref: SCOR-0055-2023**

13 February 2023

Dear Councillor Corry,

Thank you for your correspondence of 30<sup>th</sup> January 2023, regarding Mid Ulster District Council's support of a motion recently carried by Newry, Mourne and Down District Council that laws being proposed at Westminster that would give workers a legal right to their tips, be extended to Northern Ireland.

As employment law is devolved to Northern Ireland, the legislation currently progressing through Westminster does not apply here. However, my Department continues to liaise with its counterpart in GB on the topic more generally. Any policy proposals for similar legislation in Northern Ireland would be subject to appropriate public consultation and the necessary approvals from the Executive and the Assembly.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'David Malcolm', is written over a light blue horizontal line.

**DAVID MALCOLM**  
Interim Permanent Secretary  
Department for the Economy



Councillor Cora Corry

[Eileen.Forde@midulstercouncil.org](mailto:Eileen.Forde@midulstercouncil.org)

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Omagh, County Tyrone  
BT79 7AF

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Text Phone: 028 9054 0022  
Fax: 028 8225 4009

Your reference:  
Our reference: 149293-23

14<sup>th</sup> February 2023

Dear Cllr Corry,

### **GRITTING ON RURAL ROADS IN MID ULSTER**

Thank you for your letter of 30<sup>th</sup> January requesting information regarding the gritting of the rural road network in Mid Ulster.

As you may be aware, the current winter service policy operated by the Department utilises the widely accepted practice of targeting limited resources for this service on the higher trafficked main through routes. The application of this policy means that 28% of the total road network, which carries around 80% of traffic, is salted. It must however, be emphasised that the service provided cannot eliminate the risks – even on roads that are gritted, ice free conditions cannot be guaranteed.

In rural areas, small settlements containing 100 dwellings or more have salted links to roads on the main salted network. In addition, on roads not included on the salted network, salt boxes (bins) or grit piles may be provided for use by the public on a self-help basis. DfI Roads commits significant resources to maintain 542 salt bins and approximately 11,308 salt/grit piles provided on public roads within Mid Ulster.

I fully understand and appreciate the concerns of local residents, but it is simply not feasible to expand the criteria to include more lightly trafficked roads on the primary salted network given the severe budget constraints facing the Department.

The current policy also allows for unscheduled secondary and emergency requests where additional salting may be undertaken where resources allow. For example, to



assist access for the emergency services or some other unforeseen occurrence of that nature such as a funeral. Arrangements are also in place to provide priority secondary salting to schools which have had to close due to inaccessibility, associated solely with the presence of snow or ice on the adjacent network.

Secondary salting occurs when the integrity of the main salting schedule has been assured and problems with ice and or snow are being reported on untreated roads. It does not occur in response to normal frost conditions.

DfI Roads Policy and Procedure document E022 lists the following criteria for Inclusion of Roads on the Salting Schedule:

The following routes shall be included in precautionary salting schedules:

- Motorways and Trunk Roads;
- Main Routes – (i.e.) through routes carrying more than 1,500 vehicles per day; and
- Other Busy Routes with special difficulties – (i.e.) through routes carrying between 1,000 and 1,500 vehicles per day where the following factors give rise to special difficulty: -
  - a) severity, frequency and extent of gradient
  - b) frequency of bends
  - c) height above sea level
  - d) railway level crossing
  - e) abnormally high junction frequency

While I fully understand the concerns of those who use the more lightly trafficked roads which are not on the salted network, I hope you will appreciate it is simply not practical to salt all roads. There is a balance to be struck between putting more funds into salting or funding the numerous other worthwhile demands on Departmental funds, many of which are safety related. If local council staff or elected representatives require specific information on certain roads the local Section Engineer is always willing to discuss specific locations. Neil Bratton can be contacted regarding roads in the Mid Ulster North area while Lesley Maxwell can be contacted regarding roads in the Mid Ulster South area.

I hope this information is helpful.

Yours sincerely,



**Daniel Healy**  
Divisional Roads Manager  
Western Division



Councillor Cora Corry

[Eileen.Forde@midulstercouncil.org](mailto:Eileen.Forde@midulstercouncil.org)

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Text Phone: 028 9054 0022  
Fax: 028 8225 4009

Your reference:  
Our reference: 149297-23

15<sup>th</sup> February 2023

Dear Cllr Corry,

### **IMPROVEMENTS IN THE DUNGANNON AREA**

Thank you for your letter dated 30<sup>th</sup> January 2023 regarding traffic congestion and accident investigation in the Dungannon area.

The programming of resurfacing works in the Dungannon area has been complicated this year due to the lack of a surfacing contract until the 28<sup>th</sup> of June, and the lateness of our budget allocation.

With the reduced timeframe for delivering projects in the 2022-23 financial year, the task of programming and delivering vital resurfacing schemes becomes more difficult.

I understand the members concern that Dungannon was almost gridlocked due to the roadworks. However, the careful planning and programming of the works by my maintenance staff meant that traffic continued to move through the town. I accept that there was increased traffic congestion due to the roadworks but I hope it is recognised that our primary aim was to balance the short term disruption to traffic with the long term benefits of improving the road network for the local community.

Resurfacing works have been completed on A45 Granville Road and A29 Cookstown Road and are now continuing on the A45 Coalisland Road. All of these works necessitated road closures for a substantial part of the works and traffic management arrangements were in place. Other works under a lane closure have been carried out by our Street Lighting section on the A29 Moy Road. At all times access to businesses

and residents was accommodated. Health and safety for both the road user and the contractor for all these works is paramount and therefore it is necessary for traffic management to be in place.

I appreciate the feedback from members and I can assure them that the concerns they have raised will be respected when planning future roadworks in Dungannon.

The accidents on the M1 between junctions 14 and 15 are currently being investigated by the PSNI. DfI are assisting the PSNI with their investigation. I trust you understand that until this investigation is complete, I am unable provide further details.

I hope this information is helpful.

Yours sincerely,

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

**Daniel Healy**  
Divisional Roads Manager  
Western Division

