

## **MAGHERAFELT DISTRICT COUNCIL**

Minutes of Proceedings of a Meeting of the General Purpose and Finance Committee of Magherafelt District Council held in the Council Chamber, 50 Ballyronan Road, Magherafelt on Monday 4 November 2002. The meeting commenced at 6.00 p.m.

**Present:** T J Catherwood  
P E Groogan  
O T Hughes  
J Junkin  
J F Kerr  
Miss K A Lagan  
P H McErlean

**Observers:** P McLean  
R A Montgomery  
S O'Brien  
J P O'Neill  
G C Shiels

**Officials Present:** J A McLaughlin (Chief Executive)  
T J Johnston (Director of Operations)  
M G Browne (Development Officer)  
Mrs A Junkin (Chief Executive's Secretary)

The Chief Executive read the notice convening the meeting.

1. **Election of Chairman:**

It was

PROPOSED by Councillor J Junkin  
Seconded by Councillor P H McErlean

That Councillor Miss K A Lagan be re-elected as Chairman.

It was

PROPOSED by Councillor O Hughes

That Councillor J F Kerr be elected Chairman

There was no Seconder for the motion.

Councillor Miss K A Lagan was re-elected Chairman.

2. **Election of Vice-Chairman:**

It was

PROPOSED by Councillor T J Catherwood

That Councillor J Junkin be elected Vice-Chairman

Councillor J Junkin declined the nomination.

It was

PROPOSED by Councillor J Junkin

Seconded by Councillor P H McErlean

That Councillor T J Catherwood be elected Chairman.

There being no further nominations the Chairman declared Councillor T J Catherwood elected as Vice-Chairman.

3. **Tenders:**

(a) Submitted report on tenders received for the supply and delivery of two 5 tonne GVW Crew Cab Tipping Lorries (Appendix 1).

Mr Johnston reported that five tenders had been received and all met within the specification. He advised that the lowest tender from Bradley Car Sales of Garvagh was for the supply and delivery of two Iveco lorries and confirmed that this make was extensively used by other Councils, the Department of the Environment and the Housing Executive. Mr Johnston recommended that the Committee accept the lowest tender from Bradley Car Sales, Garvagh for the supply and delivery of two Iveco 5 tonne GVW Crew Cab Tipping Lorries in the sum of £40,503.66.

On consideration it was

PROPOSED by Councillor J Junkin

Seconded by Councillor T J Catherwood, and

**RESOLVED:** to adopt the recommendation of the Director of Operations and accept the tender from Bradley Car Sales, Garvagh for the supply and delivery of two Iveco 5 tonne GVW Crew Cab Tipping Lorries in the sum of £40,503.66.

(b) Submitted report on quotations received for tree/shrub surgery work at Largentogher, Maghera (Appendix 2).

Mr Johnston explained that written quotations were requested from five contractors who were considered competent to carry out this work. All five contractors submitted quotations for the five sections of work as highlighted in the report.

Mr Johnston recommended that the Council accept the lowest quotation for sections (a) (removal of dead trees, etc.) to Drenagh Tree Services in the sum of £5,502 plus VAT, and (c) (planting of areas along pathway) to Conservation Volunteers in the sum of £1,450 plus VAT.

The lowest quotation for work associated with sections (b) and (d) was received from Clark Cunningham but they had indicated that their quotation was based on them being successful for all the specified work.

Mr Johnston stated that, in his opinion, to award all the work to Clark Cunningham would not be cost effective for the Council, considering the lower quotations received for the individual section. He believed that Clark Cunningham's quotation should be excluded. He recommended that section (b) (planting of hedges along perimeter fence with Largentogher estate) be awarded to Conservation Volunteers in the sum of £1,362 plus VAT.

On consideration it was

PROPOSED by Councillor O T Hughes  
Seconded by Councillor P H McErlean, and

RESOLVED: to adopt the recommendations of the Director of Operations and award the tenders as outlined by him – section (a) to Drenagh Tree Services in the sum of £5,502 plus VAT; section (b) to Conservation Volunteers in the sum of £1,362 plus VAT; section (c) to Conservation Volunteers in the sum of £1,450 plus VAT.

4. **Christmas Switch-on Street Traders:**

Submitted a letter of application from Fair-deal Promotions for a trading place at the Magherafelt switching on of the Christmas lights (Appendix 3).

Mr Browne explained that in previous years there had always been an influx of street traders at the switching on of the Christmas Lights in Magherafelt. This year the officers proposed to limit the number of traders to four or five with all having submitted their public liability insurance and a copy of a Magherafelt District Council Street Trading Licence. He recommended that the first four traders to apply and produce the correct documentation be accepted.

On consideration it was

PROPOSED by Councillor S Kerr

Seconded by Councillor O T Hughes, and agreed to

RECOMMEND: that the Council adopt the recommendation of the Officers that the first four traders to apply and produce the correct documentation be allowed to trade at the Switch-on of the Christmas Lights in Magherafelt.

5. **Play Areas update:**

Mr Browne updated the Committee on the current state of the Council's play areas as follows:-

Bellaghy	The caretaker was Mrs O'Boyle, a local resident. There were no problems at this site.
Castledawson	The caretaker resigned eight weeks ago and the facility had been locked since. The play area had suffered a lot of vandalism and had become a "drinking den". The local community group had been contacted but to date there were no volunteers to act as caretaker.
Tamlaght	The caretaker was Mrs Kirkwood. There were no problems at this site.
Tobermore	Councillor R A Montgomery was currently acting as caretaker and opened and closed the facility. There were a number of incidents whereby the site had been vandalised.
Swatragh	Councillor H E Mullan was currently acting as caretaker and opened and closed the facility. There were few problems.
Knockloughrim	The facility has been closed for the past seven weeks. There was some vandalism at weekends.
Desertmartin	The caretaker was Mrs Pitts and there were minor problems relating to vandalism.
Gulladuff	The caretaker was Mr Seamus MacCormack who opened and closed the play area. There were now no problems. Mr MacCormack was not however associated with any Community Group but had still volunteered to act as caretaker for the site.
Magherafelt	Meadowbank was going well. As part of a larger complex it was

being supervised by the Council's Leisure Department's staff. Members discussed the play areas where there were problems in finding caretakers to open and close the facilities and also had vandalism.

Councillor Miss K A Lagan commented that the Council should not open play areas so they could be vandalised.

The Chief Executive agreed with the Chairman. He stated that the vandalism was taking place not always at night but during daytime hours. He felt that this should be taken into consideration when the Council was considering the policy for the future and for the next round of play areas in the Spring.

Councillor J Junkin spoke of his disappointment at the level of vandalism against a small play area in Castledawson. He felt that unless the local community could get control of the situation then there appeared at present to be little alternative other than remove the equipment to another area where that community would appreciate it.

Members discussed the cost of the equipment and the possibility of removing play equipment to another town or area in the Moyola District Electoral Area.

Mr Johnston advised that in his opinion the safety surface tiles could not be re-used and he felt that to remove equipment was not productive as there was a lot of work in installation.

Councillor J F Kerr suggested that the Council should be careful and not penalise small communities. He suggested that a commitment should be sought from the community regarding vandalism, etc before providing a play area, and then monitored over a three years time frame.

Mr Johnston referred to his last report to Council on Meadowbank and suggested that the Council consider centralised play areas as opposed to four or five separate play areas and said that it would be more cost effective.

Councillor O T Hughes asked the officers to outline what vandalism was occurring at play areas and if there was any feedback from other Councils.

Mr Johnston explained the situation.

Mr Johnston suggested that the Community Groups be revisited and advised that if they were not prepared to work in partnership with the Council by providing caretakers, within six months, the play area in their particular area would be removed. He also said that the Councillors could not continue to act as caretakers indefinitely in Tobermore and Swatragh and felt that their communities were imposing upon their goodwill.

It was agreed that Mr Johnston investigate the cost of moving play equipment.

Councillor R A Montgomery requested that signs for play areas displaying rules and regulations on age limits be displayed in all play areas. He explained that this might help when older children and adults were making nuisances of themselves and using children's play equipment.

It was

PROPOSED by Councillor T J Catherwood,  
Seconded by Councillor J Junkin, and agreed to

RECOMMEND: that Council Officers would visit Community Groups to advise them that if they did not provide caretakers, after a six months period the play equipment would be removed from their area.

6. **Request from Castledawson Primary School to use Playing Fields at Boyne Row:**

Submitted a letter from the Principal of Castledawson Primary School dated 9 October 2002 requesting the Council to allow the school to use the pitch at Boyne Row, Castledawson between 3.00 p.m. and 4.00 p.m. at a reduced fee or free of charge (Appendix 4).

On discussion it was considered that if the Council were to agree to this request, other requests of a similar nature would be received. Agreement to this request would be setting a precedent and therefore could not be agreed to.

It was

PROPOSED by Councillor J F Kerr,  
Seconded by Councillor P E Groogan, and agreed to

RECOMMEND: that the Council do not accede to this request from Castledawson Primary School to reduce the fee for their use of football pitch facilities at Boyne Row, Castledawson.

7. **Letters of Request:**

Submitted letter of request from:

(a) The Rural College, Draperstown:

Submitted letter dated 18 October 2002 requesting for a Community Relations Grant in relation to a proposed environmental project (Appendix 5).

Mr Browne explained that the Rural College was proposing to carry out a community schools project at the Rural College. He had met with Mr Alistair McGowan, Director of the Rural College to discuss the project. The project merited consideration. The project would involve five primary schools from different community backgrounds installing, as a group, bird boxes around Derrynoid Forest.

Mr Browne said that there were two measures under the Community Relations budget which could help with funding – Schools Cross Community or there was still money left under the Grants measure.

Mr Browne recommended that the project be funded under Community Relations for the full amount of £450.

On consideration it was

PROPOSED by Councillor J F Kerr,  
Seconded by Councillor J Junkin, and agreed to

RECOMMEND: that the proposed schools' cross community project suggested by the Rural College, Draperstown be funded under Community Relations for the full amount of £450.

(b) Alexander Park Residents Association:

Submitted letter from the Chairperson, Alexander Park Residents Association dated 25 September 2002 (Appendix 6).

The letter intimated that there was a problem with youths playing football on the street and causing annoyance to tenants. It was stated that within the Park there was an area that could be used which would be safer. The Association wished to know if it was insured and if goal posts could be erected.

The second matter concerned the level of dumping within the estate and the Association wondered if there was a possibility of a recycling centre. Mr Eugene Corbett, Northern Ireland Housing Executive stated that there would be no objection and additional ground would be provided if necessary.

Mr Johnston explained that the first issue which was the erection of goal posts in the old tennis courts area to provide what the Association claimed would be a safer area for children to play football, that is safer than playing on the main road. He suggested that playing football anywhere was safer than playing on the main road but advised that the old tennis courts had a hardcore surface and were surrounded by a metre high wall, having been designed years ago. Mr Johnston stated that in today's world with health and safety, ROSPA guidelines for play areas, insurance claims, etc. he could not recommend that this area be used to play football. He accepted that it would be safer than playing on the road but felt that the Council could not ignore its responsibilities. At

best it may be the lesser of two evils.

Mr Johnston pointed out that the Council provided an excellent grass football pitch in Upperlands on the Macknagh Road which could be used by all the children of Upperlands. In his opinion children playing football on main roads had to be the responsibility of parents and he felt that the Council could not solve a parental or even a police issue by neglecting its own responsibilities. He sought the Committee's comments.

It was

PROPOSED by Councillor T J Catherwood  
Seconded by Councillor P H McErlean, and agreed to

RECOMMEND: that the Council do not erect goals in the tennis courts at Alexander Park, Upperlands.

After discussion, Councillor T J Catherwood promised to investigate the matter of additional land with the Housing Executive.

Mr Johnston stated that the second issue was a request for the provision of a recycling facility at Alexander Park. He advised that this was one of a number of requests from Community Groups for such a facility. The Council was actively encouraging Community Groups to work in co-operation with the Council in the provision of local recycling points, particularly for items such as glass, textiles, etc. that could not be put in the blue or brown bins. This was part of the Waste Management Plan and also the Council's own waste management strategy. He hoped that Community Groups would be prepared to man, clean and report on such local recycling points and that they could be rewarded by such procedures as Landfill Tax Credits or the sale of the items they collected. Mr Johnston welcomed the request and with the Council's permission would add this request to their list of projects.

On consideration it was

PROPOSED by Councillor J F Kerr  
Seconded by Councillor O T Hughes, and agreed to

RECOMMEND: that the Council add Alexander Park Residents Association's request to the Council's list of recycling projects.

(c) Portglenone Enterprise Group Ltd

Submitted letter from the Chairperson, Portglenone Enterprise Group Ltd. dated 4 September 2002 (Appendix 7).

The letter referred to the lack of signage and the bad state of the present signage in the Clady, Innishrush and Portglenone areas within the Council's area and requesting similar signage to that used when entering Magherafelt for approaches to these three areas.

Mr Johnston advised that it was only recently that the provision of town and village signs had been clearly identified as being a responsibility of the Council. In the past it was thought to be the responsibility of the Department of the Environment, and they in fact, until recently, had erected all town and village signs. The first erected by the Council were on the approach roads to Magherafelt town. Mr Johnston agreed with the writer of the letter that the signs were tasteful. In view of this he recommended that the Council erect similar signs in Clady, Innishrush and Portglenone areas, and that it also standardises on this design for signs for towns and villages throughout the District and erects them as the need arises.

Councillor J Junkin suggested that whilst the signage looked fine on short names, for example, Clady, but that it may require a longer sign for names such as Portglenone. He recommended that the price of the signs should be economical as he felt that some might not remain in place for very long.

Mr Johnston explained that in his opinion the signs for Magherafelt looked well and that the name Portglenone was no longer than the name Magherafelt. He quoted a price of £450 for the four signs erected on approach roads to Magherafelt.

On consideration it was

PROPOSED by Councillor O T Hughes

Seconded by Councillor P E Groogan, and agreed to

RECOMMEND: that the Council provide signage for Clady, Innishrush and Portglenone similar to the design of signs used for Magherafelt town, and that the Council standardise on this design of sign for towns and villages throughout the District and erect them as the need arose.

8. **Petition from Curran Residents:**

Submitted a petition from Curran residents regarding facilities that they believed would enhance the village (Appendix 8).

Mr Johnston stated that the letter contained five requests, two of which applied to the Council. The others would fall into the remit of the Department of the Environment or Department of Rural Development. The first of the two requests concerning the Council was the provision of a play area. He said that Members would be aware that the Council's current policy was to refurbish existing play areas on an ongoing electoral

area basis, starting with Moyola, then Sperrins and then Magherafelt Town. The Council had at least thirty existing play areas, nine of which had been refurbished, leaving twenty-one. The cost to date was approximately £450,000 and in his opinion, would cost a further £700,000 to £800,000 if all remainder were refurbished. The Officers had found it extremely difficult to reach agreement on dropping any of the existing play areas. Currently there was no policy or any discussion on the provision of new play areas. He advised that new play areas would almost certainly be more expensive to provide, for example, the Council would require land, caretakers and the provision for ongoing maintenance. He suggested that if the Council provided one, two or three additional play areas there could be difficulty in refusing others and suggested that these factors should be considered before taking a decision on this request.

Mr Johnston stated the second issue concerning the Council was a request for better floral arrangements, and in particular hanging baskets. He said that the Council's policy was to provide hanging baskets permanently each year in Magherafelt, Maghera and Draperstown as the three major commercial centres and thereafter in towns and villages entered in the Ulster in Bloom competitions. Members would be aware that to accommodate last year's requests for hanging baskets within the existing resources, it was agreed that staff would work overtime to avoid the need to buy additional vans, water bowsers, equipment etc. and to avoid having to take on additional staff. Mr Johnston stated that he could possibly include Curran within these procedures, but questioned what would happen if later in the year additional requests were received for hanging baskets. There had to be a point when additional resources would be required. He suggested that if the Council adhered to the current policy a decision on this request should be deferred until a decision was taken on next year's entries in the Ulster in Bloom Competitions. If there were no further additional requests the Council could facilitate Curran, on the other hand if there were, additional resources would be required. He felt that this would be an appropriate time to discuss this request when discussions would be taking place regarding the estimates and striking of the rate.

Mr Johnston stated that before the Committee made any comments on the two requests, he wished to advise that a number of people who had signed the petition were proposing to setting up a formally constituted Community Group for Curran village.

Councillor J F Kerr stated that he viewed the comments on the provision of a play area as strange and suggested that every area should have a play facility. He felt the Council should consider requests sensitively.

On consideration it was

PROPOSED by Councillor P H McErlean,  
Seconded by Councillor O T Hughes, and agreed to

RECOMMEND: that the provision of a new play area in Curran would be considered in a few years time when the refurbishment of existing play areas was more advanced.

Regarding the provision of better floral arrangements it was

PROPOSED by Councillor J F Kerr

Seconded by Councillor O T Hughes, and agreed to

RECOMMEND: that the Council adhered to the current policy and that a decision on Curran's request for better floral arrangements be deferred until a decision was taken on next year's entries in the Ulster in Bloom Competitions and when discussions took place on next year's estimates.

9. **Development of Ruben's Glen:**

Submitted a letter of offer from the Environment and Heritage Service dated 4 October 2002 regarding the proposed development of Ruben's Glen (Appendix 9).

Mr Browne explained that the Council had applied to the Environment and Heritage Service (Natural Heritage Grant Scheme) for £16,612 towards the development of a scenic walkway at Ruben's Glen. Members would note that the Department had made a conditional offer for the full amount. He said that he had advised the Slieve Gallion Group that the Council were prepared to make them an offer on the strength of this offer. The group was now in the process of making the necessary arrangements as outlined in the letter of offer.

Noted.

10. **Request for Toilets from Upperlands Community Association:**

Mr Johnston stated that this was basically a request for the Council to provide public toilets in Upperlands. The Community Group advised that they had carried out a lot of work to improve and promote the village that there was now a large amount of through traffic and visitors, and an increase in shops, etc. They felt that all this warranted the provision of toilets in the village. In order to allow Members to discuss the request, Mr Johnston felt that he should point out some decisions already taken by the Council regarding the provision of new toilets and the refurbishment of existing ones.

On Tuesday 10 October 2000 a report was submitted to Council regarding requests for new toilets in Swatragh, Bellaghy and Upperlands. At this time prices had been obtained and costs for a number of designs. The cheapest was for a basic one cubicle fully automatic toilet at £46,000 but this unit required a manufacturer's service agreement costing £10,000 per year. The cheapest built toilet cost £50,000 but this toilet was a very basic unit comprising one w/c for both sexes, one urinal and a facility for the disabled. The cheapest Portacabin type toilet at that time was £74,000 but Mr Johnston said he was led to believe that these toilets may now be much cheaper.

The costs did not include the cost of the site, services, etc. or the cost of ongoing maintenance, repairs and a caretaker. The decision of the Council at that time was that there was no case of need for toilets in Swatragh, Bellaghy or Upperlands.

Mr Johnston stated that the second issue he wished Members to consider was a report submitted to Council at its August meeting. This report detailed the condition of our eight existing toilets and highlighted the need for the implementation of an urgent and extensive refurbishment programme. A number of toilets were in very poor condition by today's standards, that public opinion was very critical of the condition of the toilets and in fact some did not meet the current disabled legislation. He suggested that it could cost at least £500,000 to bring the current toilets up to a satisfactory standard. He said that the question the Council must decide on was did the Council give priority to the refurbishment of the present toilets, did it provide additional toilets or could it provide both. He sought the Council's comments.

Councillor Miss K A Lagan stated that the Council give priority to refurbishment of the existing toilets in order to comply with the necessary legislation particularly for the disabled.

Councillor P H McErlean felt that all towns and villages should be treated alike and confirmed the request for toilets in Bellaghy.

The Chief Executive commented that the vandalism of public conveniences was unbelievable.

It was

PROPOSED by Councillor T J Catherwood  
Seconded by Councillor O T Hughes, and agreed to

RECOMMEND: that the provision of new toilets would be considered in a few years when the refurbishment of existing toilets was more advanced.

Mr Johnston in reply to a query stated that the picnic tables in the park at Upperlands had not been removed by the Council.

11. **Request to erect a Summer Seat at Polepatrick Cemetery/Park:**

Submitted a letter of request dated 30 September 2002 from Ms Sharon Bigger seeking permission to erect a summer seat in Polepatrick Cemetery in memory of her mother (Appendix 10).

Mr Johnston stated that he could well understand the sentiment behind this request and he did not wish to sound insensitive but felt that the Council could be setting a

precedent, if the request was agreed to.

The Rules and Regulations that controlled memorials in Polepatrick related to the grave itself but they were very specific and were designed to allow for a tidy and uniform cemetery. If the Council were to allow additional monuments, such as summer seats, he felt that it could become a major problem and there would almost certainly come a time when the Council would have to refuse such requests. He recommended that in Polepatrick Cemetery, memorials should be confined to the grave itself, as set out in the “Rules and Regulations for Polepatrick Cemetery” and that this recommendation became Council policy for Polepatrick Cemetery.

Members stated that whilst the decision to not grant the request seemed somewhat tough but that it could well lead to a very difficult situation. It was therefore

PROPOSED by Councillor O T Hughes

Seconded by Councillor P H McErlean, and agreed to

RECOMMEND: that the Council write to Miss Bigger declining her request and explaining why and that the recommendations of the Director of Operations be adopted, that is, memorials in Polepatrick Cemetery should be confined to the grave itself and that this was Council policy for Polepatrick Cemetery.

12. **Establishing Council ownership of land at Largantogher, Maghera:**

Submitted a map outlining land which was in the Council’s ownership (Appendix 11).

Mr Johnston stated that Members would recall that the Council recently became aware that this land was in the Council’s ownership (at Largantogher, Maghera) and that this information only came to the officers’ attention because an adjacent landowner who wished to develop his property had sought access through the site. He advised that since reorganisation of Local Government in 1972 the Housing Executive had claimed ownership of the property and had held the deeds, however, last year when the issue of access was raised it was shown that this property clearly belonged to the Council. The deeds were now legally held by the Council.

Mr Johnston advised that the Council had taken possession of the land defined as section 1 on the enclosed map and were actively seeking to develop the site as a Council facility. The area in question was section 3 on the map. This area was clearly defined on the deeds as belonging to the Council, however, it was being used by the adjacent landowner who had incorporated it into his field and was currently using it for agricultural purposes. He had in fact proposed to use it as part of his development if he had gained access through Council land. Mr Johnston stated that in fairness he had used this area (that is, section 3) unchallenged for a significant number of years and Mr Johnston believed he felt he could now claim it under the “acquired possession” legislation, that is if you use a portion of land unchallenged for a number of years you can claim ownership.

Mr Johnston understood it was twelve years for privately owned land and twenty-two to twenty-four years for Crown owned property, that is Council property.

Mr Johnston said that it was necessary to resolve the issue. If the adjacent landowner could claim the property that was his right, but if the Council still owned the property it had a duty to establish ownership. The Council could not by law dispose of land without going through the appropriate procedures. He also advised that the Council could not ignore the situation since it had come to its attention. Mr Johnston sought permission to take legal advice on the matter and if it was clearly defined that the adjacent landowner had no claim to the property, to establish Council ownership and take possession of the area defined as section 3 on the enclosed map.

On consideration it was

PROPOSED by Councillor P E Groogan,  
Seconded by Councillor O T Hughes, and agreed to

RECOMMEND: that Mr Johnston be given permission by the Council to take legal advice on the matter and if it was clearly defined that the adjacent landowner had no claim to the property, to establish Council ownership and take possession of the area defined as section 3 on the enclosed map.

13. **Lestas Consultants:**

Mr Browne said that Members would recall that Lestas Consulting had been involved in the recent Community Support Plan and had now submitted their proposal, which was designed to help the Council keep a tighter eye on all the different funding opportunities (Appendix 12).

Their proposal was set out in such a way that the Council could employ them for an agreed period on a daily rate if required. They in turn would report back to an officer on the various opportunities.

Mr Browne felt it was essential to keep abreast of funding opportunities and that this proposal created opportunities for the Council.

He recommended that they employ Lestas Consulting on a daily rate and employ their services as and when they were required.

On consideration it was

PROPOSED by Councillor J F Kerr,  
Seconded by Councillor O T Hughes, and agreed to

RECOMMEND: that the Council employ Lestas Consulting on a daily rate and employ them as required to source different funding opportunities as explained by Mr Browne.

14. **Magherafelt.Biz Proposal:**

Mr Browne explained that a local man, Mr Martin Cassidy of Station Road, Magherafelt had submitted a proposal from the above organisation for the development of a business proposal website for the Magherafelt District Council area (Appendix 13). Mr Browne suggested that the proposal was nothing new and the Council provided more information on its own website. He added that if the Council had wished to put this work to a private company, tenders would be required. He recommended that the Council took no action on the proposal.

On consideration it was

PROPOSED by Councillor J Junkin  
Seconded by Councillor J F Kerr, and agreed to

RECOMMEND: that the Council take no action on Mr Cassidy's proposal.

15. **Request from Strabane District Council to accept their waste:**

Mr Johnston stated that the Members would be aware that the Council had agreed to take waste from Strabane District Council for disposal at its landfill site for a period of one year commencing April 2002 to March 2003 at a cost of £23 per tonne. He advised that he had now been asked by Strabane District Council's Director of Technical Services if the Council would consider taking Strabane's waste for a further six months during the financial year 2003/2004. He was led to believe that Ballymoney Borough Council had expressed an interest in taking Strabane's waste for the first six months of the year, that is from April 2003 at a cost of £21 per tonne and then it could come back to Magherafelt, if agreed by the Council. Mr Johnston said that he was aware that a number of Councils, in view of the pending legislation that would close dilute and dispense sites had expressed an interest in taking Strabane's waste, but in view of the fact that Ballymoney and Magherafelt had responded when they were in difficulties last year, the officers at least (he was not aware of Councillors' opinions) would prefer to work with these two Councils, basically give their money to us.

Mr Johnston stated that to assist the Committee and the Council in taking a decision on the request, he had contacted a number of Councils for information and had asked the Council's consultants to comment or advise on a number of scenarios that he believed could potentially affect the life of the Council's waste disposal site. With regard to the Councils that had capacity and were taking waste from other Councils. He advised that the prices ranged from £20 per tonne to £28 per tonne. The cheapest was Down or North Down that took waste from Lisburn Council at a cost of £20 per tonne. The most expensive was Belfast which seemed to have received planning permission for a further five years for their Dargan Road Site, and were offering to take waste from the ARC 21 group of Councils at a cost of £28 per tonne. All the prices quoted were exclusive of Landfill Tax and VAT.

Mr Johnston said that with regard to the scenarios he advised as follows:

- If the Council did not accept any waste (from Strabane District Council) beyond March 2002 the dilute and dispense part of the Council's site should last until November 2005.
- If the Council accepts waste from Strabane for a period of six months, after March 2002, the dilute and dispense part of the Council's site should last until May 2005.
- If the Council accepts waste from Strabane District Council for a period of one year, after March 2002, the dilute and dispense part of the Council's site should last until November 2004.

It is the Consultant's view that the Environmental and Heritage Service (that is the Department) would not allow waste to be disposed of at a dilute and dispense site when they take over licensing. This was due in October 2003 and was one of the reasons the Council took Strabane's waste in the first place. Mr Johnston said that it did, however, seem that the Department would now not take over licensing until 2004 and knowing the Department this could slip further, perhaps until 2005. However, determining what the Department would do was crucial for the Council in deciding what to do regarding Strabane's request. If the Council's site was closed early and it did not take Strabane's waste for six months the Council stood to lose £300,000. If they did not take over licensing until 2005, the Council could fill the dilute and dispense part of the site with its own waste and keep the engineered/lined part of the site for use by ourselves beyond 2005, basically extend our use of the site.

Mr Johnston stated that it was a finally balanced decision. The bottom line was that the Council gained £300,000 or lost six months capacity. He believed that in view of information to date, and it was the best that could be got, the Council should opt for the £300,000 gain and take Strabane's waste for a further six months during the financial year 2002/2003 at a cost of £23 per tonne plus Landfill Tax and VAT. The Council might lose six months capacity but this in some way would offset by £300,000 financial gain.

Councillor P H McErlean questioned the reduction in space.  
Mr Johnston explained that the capacity in the dilute and disperse part of the Council's site would be lost once the Department took over licensing.

After discussion it was proposed to

RECOMMEND: that the Council should take Strabane District Council's waste for six months from during the financial year 2003/2004.

The meeting concluded at 7.00 p.m.

CHIEF EXECUTIVE

The foregoing Minutes are hereby Confirmed.

\_\_\_\_\_ (Chairman)

\_\_\_\_\_ (Date)