

## **MAGHERAFELT DISTRICT COUNCIL**

Minutes of Proceedings of a Meeting of the Recreation and Tourist Committee of Magherafelt District Council held in Meadowbank Recreation Centre, Ballyronan Road, Magherafelt on Wednesday, 28 January 2004. The meeting commenced at 8.00 pm.

**Present:** J A McBride (joined the meeting at 8.15 pm)  
P McLean  
R A Montgomery  
H E Mullan  
S O'Brien  
J P O'Neill  
G C Shiels

**Observers:** T J Catherwood  
J Junkin  
J F Kerr

**Officials Present:** J. A. McLaughlin (Chief Executive)  
J. J. Tohill (Director of Finance and  
Administration)  
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 R A Montgomery  
Seconded by Councillor P McLean

That Councillor J A McBride (in his absence) be elected Chairman.

There being no further nominations, Councillor J A McBride was elected Chairman for the year 2003/2004.

### **2. ELECTION OF VICE-CHAIRMAN**

It was

PROPOSED by Councillor J P O'Neill  
Seconded by Councillor H E Mullan

That Councillor S O'Brien be elected Vice-Chairman.

It was

PROPOSED by Councillor R A Montgomery,  
Seconded by Councillor P McLean

That Councillor G C Shiels be elected Vice-Chairman.

On a vote being taken, 3 Members voted for Councillor S O'Brien, 3 Members voted for Councillor G C Shiels, voting being by show of hands.

Councillor S O'Brien requested that his name be withdrawn and that Councillor Shiels be elected Vice-Chairman.

Councillor G C Shiels was therefore elected Vice-Chairman for the year 2003/2004.

### 3. COUNTRYSIDE ACCESS

Mr Browne stated that there were two areas he wished to bring to the Members attention:

#### (a) Rubens Glen

Mr Browne stated that the Council had agreed to provide a picnic area and a pathway on the A29 from the lay-by down to the pathway at Rubens Glen. He said that initially he had been advised that Mr Brian Stewart of Moneymore owned the ground the Council required and when he was approached he agreed to lease the land to the Council. The officers requested the Council's solicitors to write to Mr Stewart to prepare the necessary documentation in order to allow the Council to develop the area.

P A Duffy, Solicitors had written to Mr Stewart's solicitors on a number of occasions without reply. Mr Browne stated that he had called with Mr Stewart at the end of November to find out what the situation was, and he was told that Mr Stewart was uncertain as to whether he had leased the ground to the Department of Regional Development during the carrying out of road works. He said that he would instruct his solicitors to find out and advise the Council's solicitors.

Mr Browne stated that at the start of January 2004 the Council's solicitors had still not received any reply from Mr Stewart's solicitors, so at that point he approached the DRD to find out if they had any record of this. He advised that all DRD records were kept in Omagh, the Divisional Office and Mr Des McFarlane of the Magherafelt office had requested the information on the Council's behalf.

Mr Browne said that he had rang Mr McFarlane earlier in the day and he confirmed that he had not as yet received a reply.

#### (b) Drumanee Road, Bellaghy

Mr Browne stated that the officers had been requested to investigate an alleged right of way from the Drumanee Road to the Deerpark Road, Bellaghy. The procedures as outlined in the Countryside Access Guidelines had been followed and the Council's

solicitors had now written to the Council advising that there was not a Public right of way at this site.

Mr Browne recommended that the Council did not pursue the investigations any further.

In conclusion, Mr Browne stated that other public rights of way were still under investigation. They were –

- Killynumber Hill, Desertmartin
- Diamonds, Newbridge
- Quinns, Draperstown.

On consideration it was

PROPOSED by Councillor P McLean,  
Seconded by Councillor S O'Brien, and agreed to

RECOMMEND: that the Council do not pursue any further the investigations in to the right of way at Drumanee, Bellaghy.

#### 4. **TRAAD PARK - DEVELOPMENTS**

Mr Michael Browne, Development Officer gave some background history to the project. He said that in 1999 Magherafelt District Council purchased a 40 acres site on the shores of Lough Neagh from Scotts of Toombridge, for the development of an Environmental Recreation Park. The following year the University of Ulster closed down its Fresh Water Laboratory at the site due to financial constraints and sold the buildings and the surrounding ground to the Council, leaving the Council with a site of almost 80 acres.

The development of the site had however, been delayed due to a number of legal issues. These matters should have been resolved some years ago but due to the fact that Land Registry in Belfast lost the Council's file containing maps, leasing agreements, etc. The Council's Solicitors could not issue proceedings as the site could not be registered in the Council's name. The Council's legal adviser had in fact to research the entire matter and resubmit all maps, leases, etc. to Land Registry - in fact the entire file. The Council's legal advisers had now received the certificate from Land Registry and legal proceedings were currently being instituted.

Mr Browne said that the site at Traad was environmentally diversified with many species of wildlife and plants. It had several ponds, all of which had independent eco systems from Lough Neagh and a series of informal walks in and around the park which could be formalised, and the environment explained.

The buildings were previously used by the University of Ulster for carrying out experiments and for teaching students. The University of Ulster had in fact expressed a desire to rent rooms to allow a return to the site.

In connection with EU Funding, Mr Browne said that he had recently met with Mr Gerry Darby, Lough Neagh Partnership, Ballyronan to discuss funding from the Lough Neagh Fund. He had been given a tour of the site and agreed that it had a lot of potential. A potential £160,000 to £200,000 funding could be identified and Mr Darby was keen to receive an application from the Council.

Mr Browne further stated that there were other possible funding opportunities that could be explored such as Lottery Funding. He had discussed the project with Ms Una Duffy and she had advised him that the Council could apply for funding of between £50,000 to £200,000 depending on the project and how it was evaluated and scored. Under the Natural Heritage Grant the Environmental Heritage Service would consider grant-aiding projects like the proposal for Traad. They could grant up to 75% with a ceiling of £100,000 but Mr Browne felt that £75,000 would be a more realistic figure. Mr Alec Foye of DECAL had advised that £20,000 could be made available for infrastructure. The New Opportunities Environment Fund was however now closed but Mr Browne was hopeful that it would re-open in the near future and that the Council could apply for this funding.

Mr Browne stressed that most funding opportunities by the Lough Neagh Partnership had ongoing dates, but that the Lough Neagh Fund closed on 31 March 2004. He said that in view of this deadline and in order to explore other funding opportunities he was seeking permission to appoint a consultant to prepare a 'green book' economic appraisal and business plan for the site.

The Council had already approved the appointment of Lestas Consultants on a daily rate for such work and he was recommending that in view of the deadline of March 2004 for the Lough Neagh Fund the Council appoint Lestas Consultants on a daily rate to carry out this work. The number of days would be agreed before awarding the contract.

**Councillor J A McBride joined the meeting during this item at 8.15 pm.**

On consideration, it was

PROPOSED by Councillor R A Montgomery,  
Seconded by Councillor J P O'Neill, and agreed to

RECOMMEND: (a) that the Council appoint Lestas Consultants on a daily rate, the days to be agreed prior to the commencement of the work, to prepare an economic appraisal and business plan that would support funding applications. (b) that the Council submit an application for funding to Lough Neagh Partnership, and that all funding avenues be explored.

##### **5. NRRTI SUB MEASURE 1.19**

Mr Browne reported that a meeting had been held recently with the officers of the Councils involved with Sperrins Tourism Limited and officers from the Department of Regional Development, Roads Service, the Environment and Heritage Service and the Northern Ireland Tourist Board, with Sperrins Tourism Limited facilitating the meeting.

Mr Browne referred to a map showing the old route. The various different attractions, shops, restaurants and accommodation that the route would pass had all be considered. It was felt that by extending the route beyond Draperstown up to Moneyneena this would take in the Plantation Centre, the Rural College and Draperstown itself. It was also important to make the route directional (anti-clockwise) and this would ensure that the route would not have a cross passing traffic. Mr Browne said that at the end of the meeting it was decided that each officer should bring the amended routes to their Council for consideration. Should the Council agree then the entire group would drive along the route to decide what signage was required and also draw-up costings.

Mr Browne further reported that both Coleraine and Strabane had approached him regarding Magherafelt becoming involved in another route in the Northern Sperrins. Details were not finalised but he would be reporting this to the Council in due course.

Mr Johnston added that the routes did include Ruben's Glen in the scenic drive.

Councillors R A Montgomery and J A McBride stressed that whilst the private members of Sperrins Tourism wished to be involved, these were Council projects.

Councillor J A McBride added that will all the scenic routes, they should stick to the main road. He said the area was rich in history from Moneymore to Draperstown and the Sperrins Area ought to be exploited.

Mr Browne suggested that the routes should be themed.

Councillor Shiels added that private transport was still the best way to see the Sperrins.

On consideration it was

PROPOSED by Councillor J A McBride,  
Seconded by Councillor R A Montgomery, and agreed to

RECOMMEND: that the Council should consider approving the amended routes

## **6. LIBRARY OF PHOTOGRAPHS**

Mr Browne stated that over the next twelve months the Council would be involved in a series of publications including the refurbishment of the Council Website. In the past photographs were taken as and when required, but there never was a library of photographs to promote the Council's services and the district.

Mr Browne said that he had been negotiating with a company in Belfast called Grid Image and they had quoted him a price of £900 for 25 photographs. This would include time, materials and models. The price per photograph was £36.

Mr Browne recommended that the Council acquire 25 high-resolution photographs from Grid Image, Belfast in the sum of £900. These would include approximately 12-15 photographs of the leisure and recreation facilities and the remainder would be general promotional shots that would promote visitors, shopping and entertainment.

Mr Browne in reply to Members stated that the Council would have rights and could reuse them again and again.

Mr Johnston stated that he felt such photographs were essential for Council marketing presentations, promotions, etc.

On consideration it was

PROPOSED by Councillor R A Montgomery,  
Seconded by Councillor J P O'Neill, and agreed to

RECOMMEND: that the Council acquire a library of 25 high-resolution photographs from Grid Image, Belfast in the sum of £900 to promote the Council's services and the district.

## **7. COUNCILLORS' INFORMATION ON WEBSITE**

The Chief Executive this item had been brought forward for discussion as the officers wished to know how much or how little information Members wanted on the Council's Website.

Mr Browne said that refurbishment of the Magherafelt District Council's Website was being processed and it would be a content management driven Website. He had carried out a survey of other Councils' Websites and there appeared to be no standard amount of detail displayed in relation to Council Members (Appendix 1). He asked if Members had any preference as to what they would like to see on the site.

The Chief Executive stated that the previous meeting of the General Purposed and Finance Committee had decided to agree to the following information: names and addresses, telephone numbers, e-mail addresses, photographs, and party affiliation.

It was

PROPOSED by Councillor P McLean,  
Seconded by Councillor S O'Brien, and agreed to

RECOMMEND: that approved minutes be included in the Council's website as well as the following information regarding Councillors:

- Names and addresses
- Home and mobile telephone numbers
- E-mail addresses
- Photographs
- Party affiliation.

## 8. 2004/2005 RATE ESTIMATES:

The Chief Executive tabled the proposed estimates for 2004/2005 which gave rise to a suggested rate of 111.22p, an increase of 6.25p or 5.95% (Appendix 2).

He tabled a broad reconciliation of the increase of expenditure. This was due mainly to the following reasons:

### Recycling:

Disposal of Blue & Green Waste	162,000	4.39p	}
Brown Bin Lorry	59,000	1.60p	
Bin Inspector	20,000	0.54p	
Environmental Projects Officer	30,000	0.81p	

### Other:

Landfill Tax	25,000	0.68p
Effect of pay increase (3.5%)	110,000	2.98p
Councillors Allowances	72,000	1.95p
Sports Development Officer	25,000	0.68p
Insurance	54,000	1.46p
Waste Management grant	(110,000)	(2.98p)
Increase in waste disposal charges	(43,000)	(1.16p)

**TOTAL** £404,000

He went through the major items of expenditure giving reasons for the main increases or decreases on 2003/2004's expenditure.

The Chief Executive stated that in summary all the major increases were due to reasons beyond the control of the officers. The total attributable to recycling was 7.34p while the other major issues net of increases in income amounted to an additional 3.61p. Against this background the officers had made some savings limiting the total increase to 6.25p. Whilst this was larger than what the officers would have liked to have recommended, and was larger than the recommended increases in recent years, he felt that the Members should draw a great deal of comfort from the fact that the Council was now recycling 4,500 tonnes of waste in total and had already achieved 80% of its 2005 recycling targets, whilst suffering only a relatively small increase in the rates.

Members made mention of the suggested levels of rate increases in other Councils and stated that they believed that the recommended increase by the officer would be amongst the lowest this year and they could rightly draw a great deal of comfort from the level of recycling achieved within the constraints of the recommended rate.

The Chief Executive stated that there was an issue involving skip hire that was relevant to the rates and he asked Mr Johnston to explain.

Mr Johnston stated that to date all skip hire charges, both private and commercial consisted of the hire of the skip itself, one empty and an average weight of waste per skip as calculated by the Council, basically a fixed charge for the hire of a skip irrespective of the weight of waste it contains. In the past, with the cost of waste disposal being low, about £6 per tonne when this policy was adopted, this costing procedure was acceptable.

In today's world of changing legislation and approximately £40 per tonne waste disposal charges, (and rising), this costing procedure particularly for commercial skip hire, was no longer sustainable.

With the current disposal costs the Council's present skip hire costing procedure discriminates against those with high volume low weight waste, such as paper, cardboard, etc, about 1 tonne of waste per skip, and heavily subsidises those with heavy waste such as building rubble, construction waste, etc. when a skip can easily contain at least 10 tonnes of waste. For example, a firm producing low weight waste pays £60 per skip to dispose of 1 tonne of waste, which would cost £40 to dispose of at the landfill site. A firm producing high weight waste pays £60 per skip to dispose of 10 tonnes of waste, which would cost £400 to dispose of at the landfill site. The present costing procedure for skip hire was also unfair to those firms that delivered their own waste to the landfill site and paid the full disposal costs, again as an example, a firm can dispose of 10 tonnes of waste for £60 by hiring a skip from the Council, if he delivers the waste in person to the landfill site he will pay £400.

Mr Johnston said that this situation must be addressed. Members would be aware that legislation required the Council when dealing with commercial waste, to implement a charge that reflected the cost of providing the service. To allow a firm to dispose of 10 tonnes of waste, that should cost approximately £400, for £60 was not complying with this legislation. The issue of equality and fairness was also a factor that had to be considered.

Mr Johnston went on to state that there were also a number of other issues, contained in current and pending legislation, that prohibited the Council's current policy of charging for commercial skip hire by "average" weight of waste. The Duty of Care required commercial properties to provide a waste transfer note that covered the volume of waste contained in a skip, the reporting procedures required by the E.H.S required the Council to know what type and quantity of commercial waste was being generated in our district (and disposed of at Landfill) and pending legislation would almost certainly require each commercial property to know the exact type and weight of waste they themselves generated and how it was being disposed of, basically an audit trail for the waste they generate.

He felt that all these issues could only be addressed by the introduction of a system whereby every skip was weighed, either at the point of collection if serviced by the Big-Bite Skip Vehicle, (which has on-board weighing equipment) or at the Waste Disposal Site Weighbridge if serviced by the normal Lug Loader Skip Vehicle.



The customer would then be charged for the hire of the skip itself plus the actual weight of waste contained in the skip, basically what the officers were recommending was that from 1 April 2004 commercial skip hire would be the hire of the skip itself, plus weight of waste, plus landfill tax, and the customers billed accordingly.

For private skip hire, that is, to householders, the legislation was more relaxed and therefore the officers felt that it would be appropriate to maintain the current system subject to one stipulation. The householder would continue to pay the skip in advance based on an "average" weight of waste, approximately 1.5 tonnes at present, but at this point he/she would sign an agreement to pay the additional disposal costs if the actual weight exceeded the figure deemed to be the average weight of waste.

Mr Johnston recommended that the proposals he had outlined in his report be adopted as Council Policy for skip hire after 1 April 2004.

After much discussion, It was

PROPOSED by Councillor R A Montgomery,  
Seconded by Councillor J A McBride, and agreed to

RECOMMEND: that (a) the Council approve the estimates, authorise the expenditure and to strike a Domestic Rate of 111.22p and a Non-Domestic Rate of 15.12p for the year 2004/2005, and (b) adopt the proposals of skip hire as authorised in Mr Johnston's report, with effect from 1 April, 2004.

The meeting concluded at 9.00 p.m.

CHIEF EXECUTIVE

The foregoing Minutes are hereby Confirmed.

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

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