



06 December 2021

Dear Councillor

You are invited to attend a meeting of the Environment Committee to be held in The Chamber, Magherafelt and by virtual means Council Offices, Ballyronan Road, Magherafelt, BT45 6EN on Monday, 06 December 2021 at 19:00 to transact the business noted below.

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

Yours faithfully

Adrian McCreesh  
Chief Executive

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## AGENDA

### OPEN BUSINESS

1. Apologies
2. Declarations of Interest  
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.
3. Chair's Business
4. Deputation: Department for Infrastructure Roads Autumn Report (Report Embargoed until 7:12:21)

### Matters for Decision

- |     |   |           |
|-----|---|-----------|
| 5.  | DfI Roads Proposal to Mid Ulster District Council – Part-time 20 mph Speed Limit at Schools | 5 - 14    |
| 6.  | Street Naming and Property Numbering  | 15 - 38   |
| 7.  | Consultation on Proposed Amendments of Technical Booklet                                    | 39 - 94   |
| 8.  | Consultation on Building (Prescribed Fees) (Amendment) Regulations (Northern Ireland) 2022  | 95 - 122  |
| 9.  | Live Here Love Here Small Grants Scheme   | 123 - 130 |
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11.	Stakeholder Feedback invited on the Drinking Water Inspectorate's report: Drinking Water Quality in Northern Ireland, 2020	135 - 196
12.	Memorandum of Understanding (MOU) between the Department of Agriculture, Environment and Rural Affairs (DAERA) and Mid Ulster District Council in respect of certification of certain products of animal origin, and provision of support for official certification of other POAO on behalf of DAERA, in Approved and registered (where applicable) establishments in Northern Ireland	197 - 218
13.	Consultation on the Reduction of Single Use Plastic Beverage Cups and Food Containers	219 - 222

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23	Update on the Agewell programme between 1st April and 30th September 2021	309 - 312
24	Regional Environmental Health response to the Assembly's Committee for Communities 'Call for Views' on the new Private Tenancies Bill	313 - 322

**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

25. Ballysaggart Lough Retaining Wall Remedial Works Tender Report
26. Installation of Memorial Tree on Council Property
27. Contract Extension: PPE/Workwear Supplier

#### Matters for Information

28. Environment Committee Confidential minutes of meeting held on 9 November 2021
29. Confidential Minutes of Special Environment Committee held on 16 November 2021
30. Update on Procurement of Contract for Bio-Waste Services
31. Cemetery Improvement works update and Future Burial Provision in Cookstown

32. Capital Framework – ICT Contracts Update
33. Capital Framework – IST Contracts Update
34. Capital Projects – Scoping Contracts Update



<b>Report on</b>	DfI Roads Proposal to Mid Ulster District Council – Part-time 20 mph Speed Limit at Schools
<b>Date of Meeting</b>	6 <sup>th</sup> December 2021
<b>Reporting Officer</b>	Terry Scullion, Assistant Director of Property
<b>Contact Officer</b>	Terry Scullion, Assistant Director of Property

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

<b>1.0</b>	<b>Purpose of Report</b>
1.1	To seek the agreement of Members in relation to proposals from DfI Roads to introduce measures to enhance the safety and development of the transport network with a range of transport proposals.
<b>2.0</b>	<b>Background</b>
2.1	DfI Roads are consulting the Council with proposals to introduce measures designed to improve network safety, sustainability and efficiency to encourage safe and sustainable travel.
<b>3.0</b>	<b>Main Report</b>
3.1	<p>The following outlines the proposal to be brought to the attention of the Environment Committee:</p> <p><b>Proposed Introduction of Part-time 20mph Speed Limit at Schools 2021-22</b></p> <p>DfI Roads are proposing to introduce part-time 20mph speed limits at the following schools listed hereunder:</p> <ul style="list-style-type: none"> <li>• Augher Central Primary School – Knockmany Road, Augher</li> <li>• St Joseph's Primary School – Lurgylea Road, Galbally</li> <li>• Aughamullan Primary School – Coole Road, Dungannon</li> <li>• Ballylifford Primary School – Ballinderry Bridge Road, Cookstown</li> <li>• St Malachy's Primary School – Moneyhaw Road, Drumullan</li> <li>• Lissan Primary School – Claggan Road, Churchtown</li> <li>• Phoenix Primary School – Fountain Road, Cookstown</li> </ul> <p>Consultation letter and location maps of aforementioned proposal are attached as appendices to this report.</p>

<b>4.0</b>	<b>Other Considerations</b>
<b>4.1</b>	<b>Financial, Human Resources &amp; Risk Implications</b>
	Financial: None
	Human: Officer time in drafting reports
	Risk Management:  The introduction of the aforementioned proposal at these locations will assist in the management of road safety issues.
<b>4.2</b>	<b>Screening &amp; Impact Assessments</b>
	Equality & Good Relations Implications:  The introduction of the aforementioned proposal at these locations will assist DfI in the discharge of their statutory duty.
	Rural Needs Implications:  The rural needs assessment would be conducted by DfI Roads.
<b>5.0</b>	<b>Recommendation(s)</b>
5.1	That the Environment Committee endorses the proposal submitted by DfI Roads.
<b>6.0</b>	<b>Documents Attached &amp; References</b>
6.1	<b>Appendix 1</b> Letter from DfI Roads dated 11 <sup>th</sup> November 2021; Proposed part-time 20mph speed limits at Schools 2021-22
6.2	<b>Appendix 2</b> Drawings – Proposed part-time 20mph speed limits at Schools 2021-22

**Western Division Network Development**



Department for

**Infrastructure**

An Roinn

**Bonneagair**

[www.infrastructure-ni.gov.uk](http://www.infrastructure-ni.gov.uk)

Mr Adrian McCreesh  
Chief Executive  
Mid Ulster District Council  
Ballyronan  
Magherafelt  
BT45 6EN

County Hall  
Drumragh Avenue  
Omagh

Tel: 028 8225 4085

11 November 2021

Dear Mr McCreesh

**PROPOSED PART TIME 20MPH SPEED LIMIT AT SCHOOLS 2021-22**

DfI Roads is proposing to introduce part time 20mph speed limits, as detailed on the attached maps, at the following schools.

Augher Central PS - Knockmany Rd, Augher

St Josephs PS - Lurgylea Road, Galbally

Aughamullan PS - Coole Rd, Dungannon

Ballylifford PS - Ballinderry Bridge Road, Cookstown

St Malachys PS - Moneyhaw Rd, Drumullan

Lissan PS - Claggan Rd, Churchtown

Phoenix PS - Fountain Rd, Cookstown

PSNI have been consulted and are in agreement with the proposals.

Please bring this matter to the attention of your council.

Yours sincerely

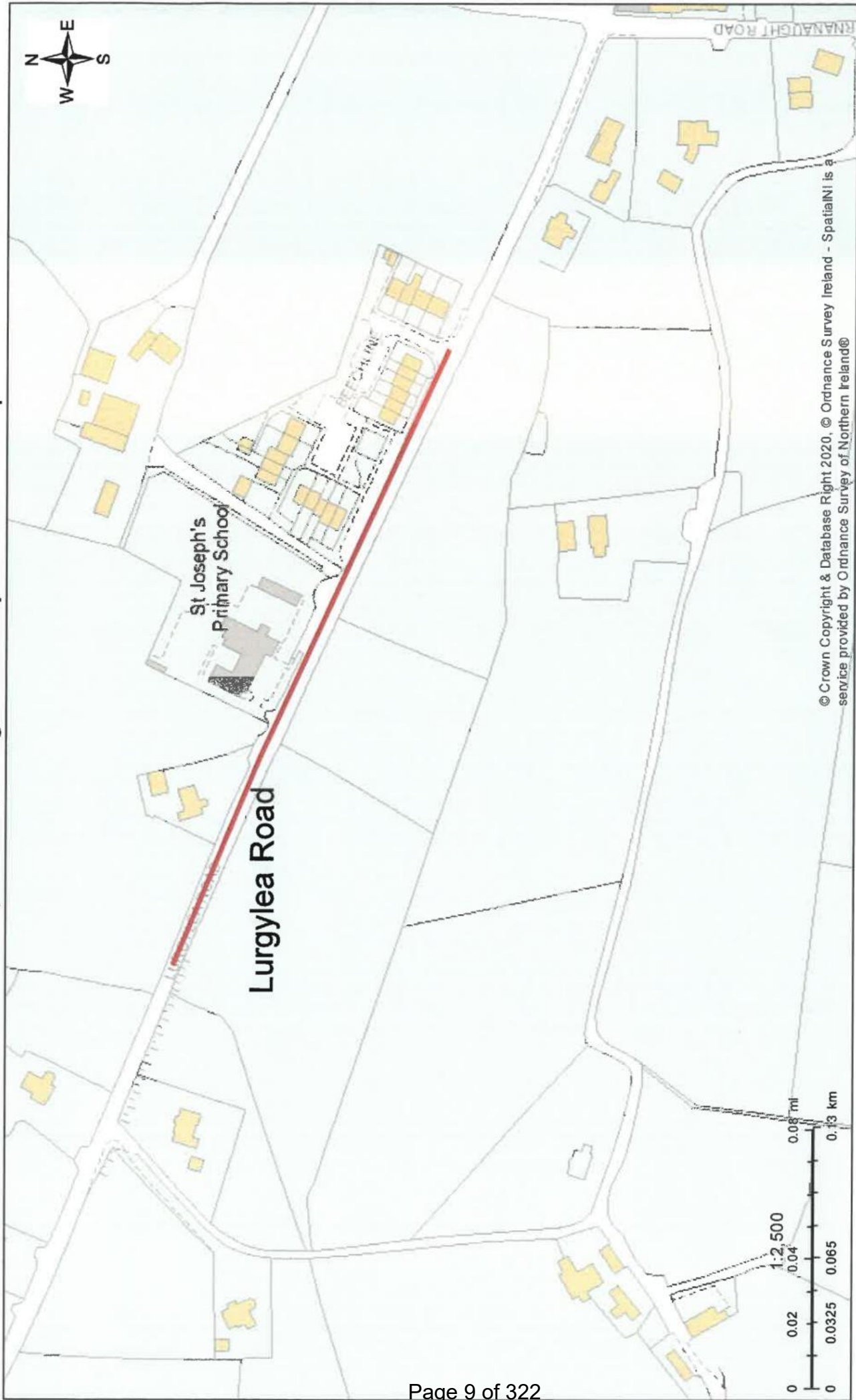
Mrs Hazel Burton  
Network Development Section

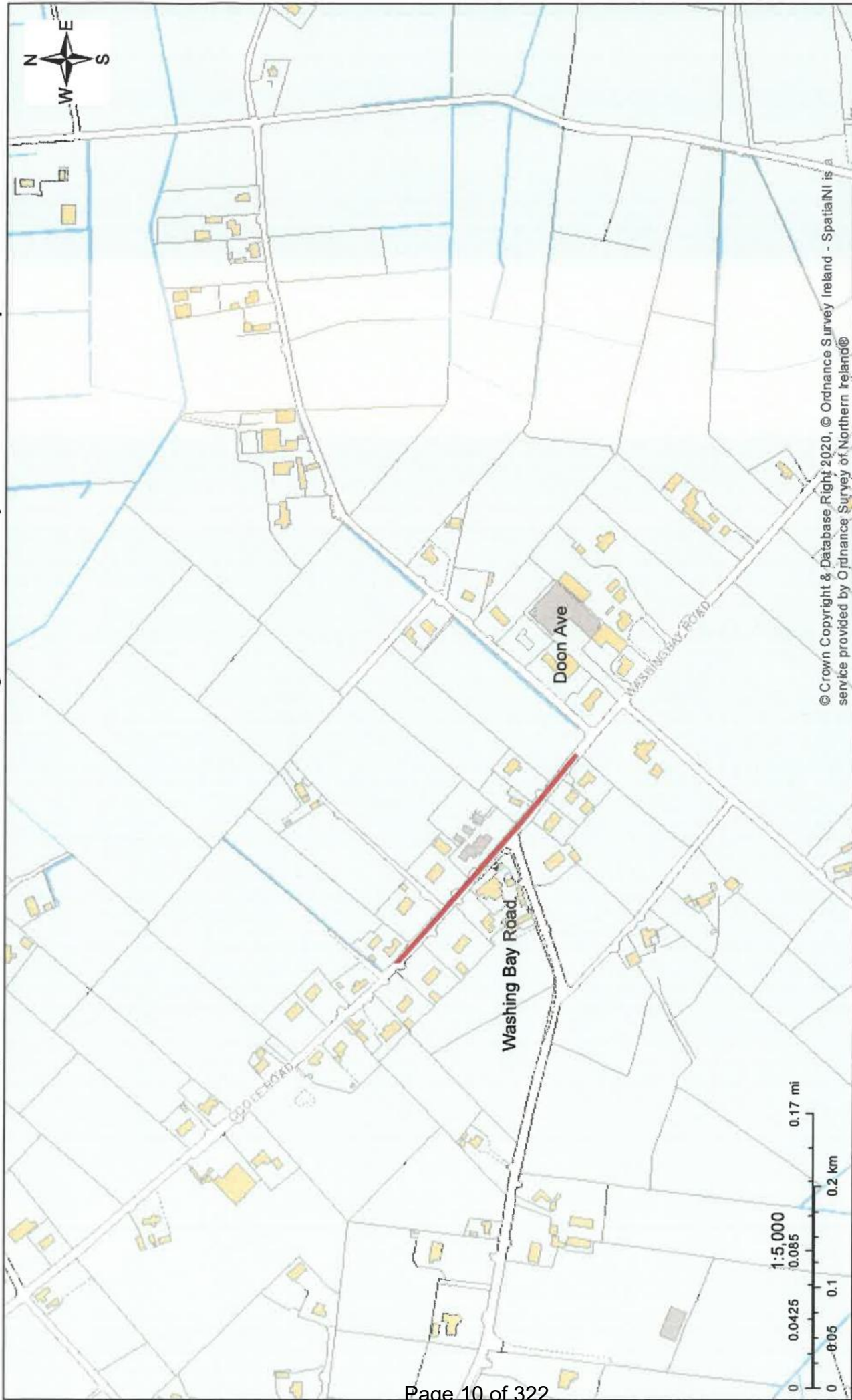
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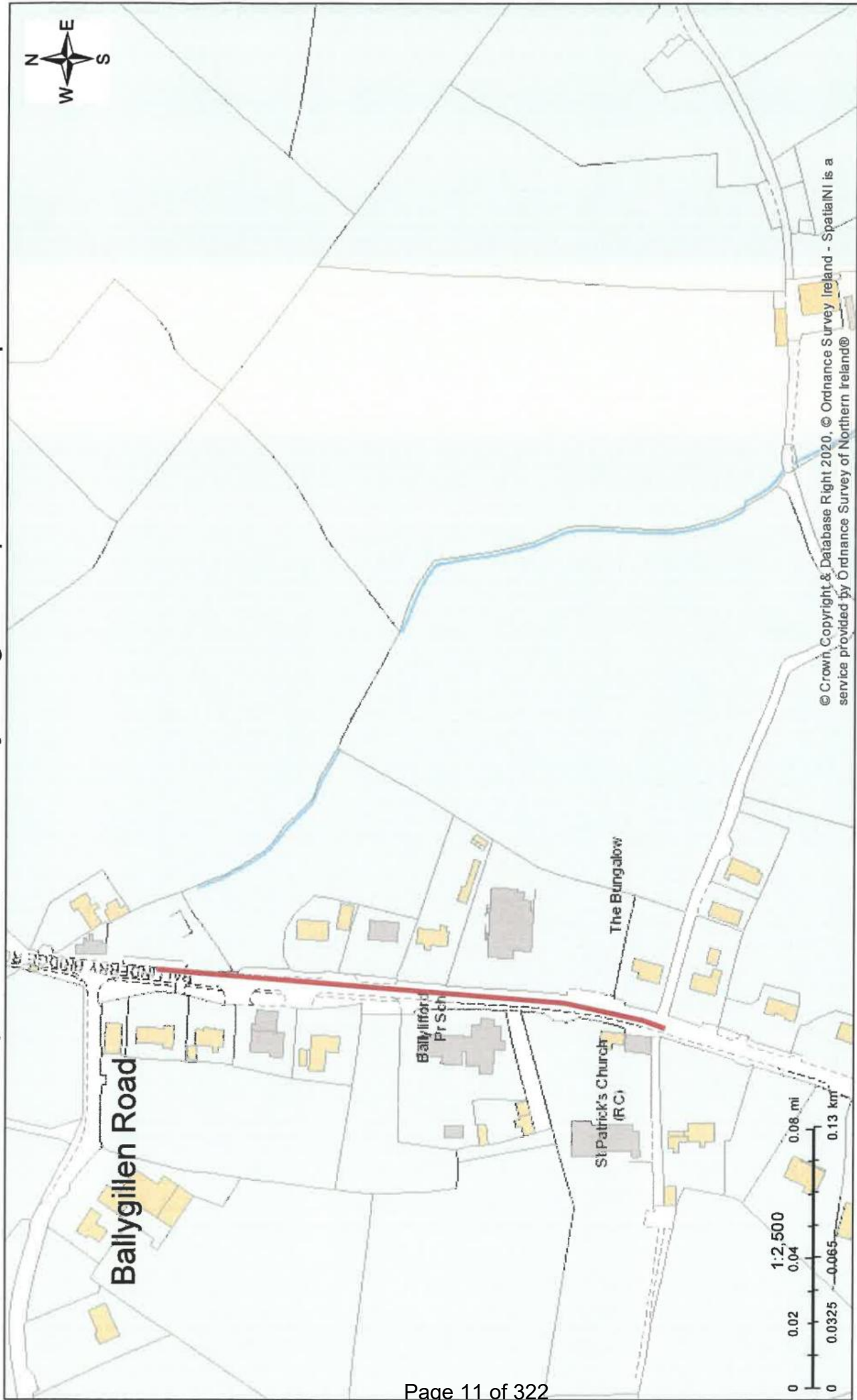
# St Josephs PS, Lurglea Rd - part-time 20mph





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# Ballylifford PS, Ballinderry Bridge Rd - part-time 20mph



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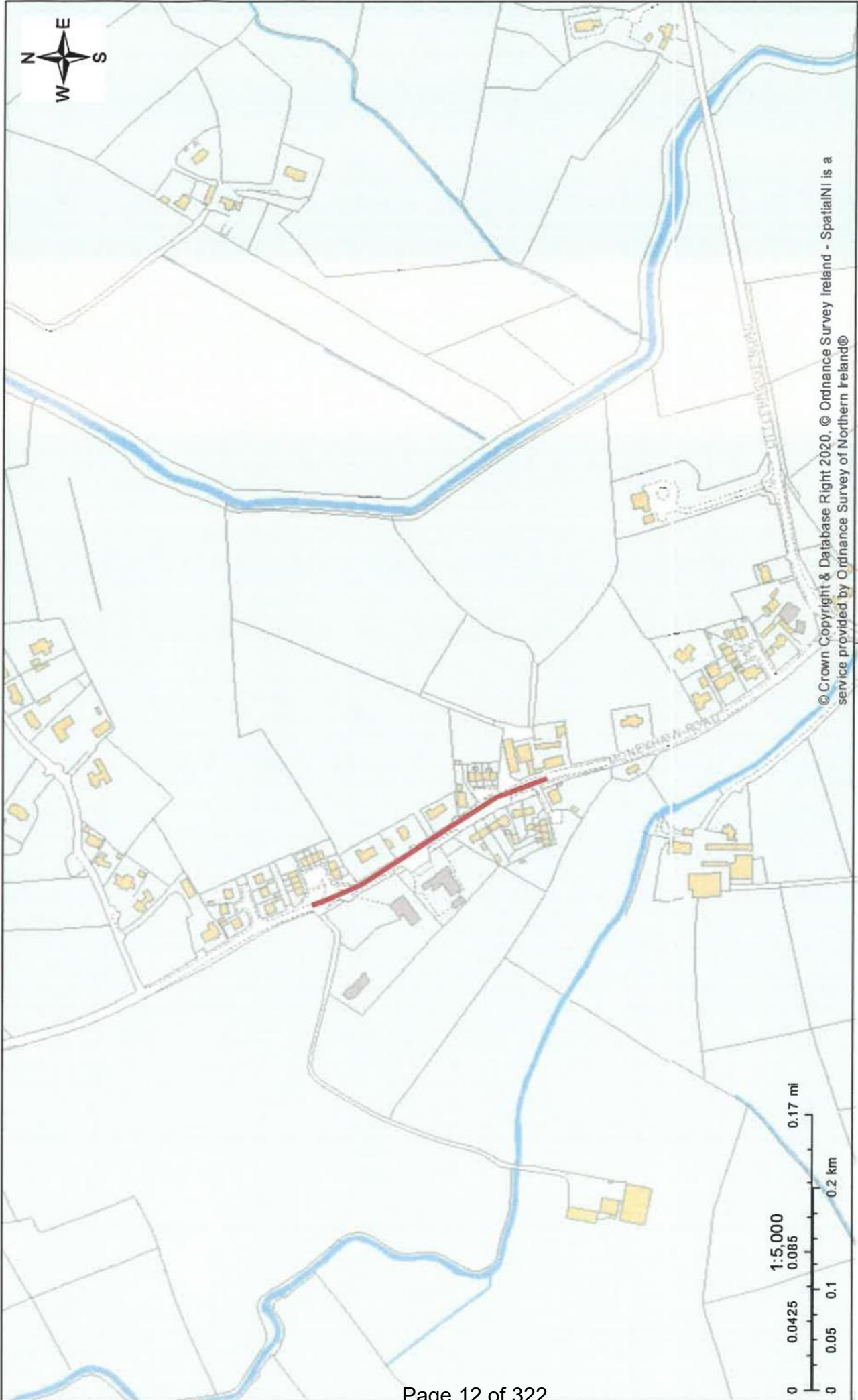
Wednesday 10 November 2021 12:07:

Department for



Infrastructure

St Malachy's PS, Moneyhaw Rd - part-time 20mph



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<b>Report on</b>	Street Naming and Property Numbering
<b>Date of Meeting</b>	6 <sup>th</sup> December 2021
<b>Reporting Officer</b>	William Wilkinson

<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	For Members to consider the naming of new streets within residential Housing Developments within Mid-Ulster.
<b>2.0</b>	<b>Background</b>
2.1	In accordance with the Local Government (Miscellaneous Provisions) NI Order 1995 – Article 11 the Council is tasked with the responsibility of approving Street Naming and Numbering of buildings erected thereon.
2.2	The Policy for Street Naming and Numbering, as adopted (see Appendix 1) forms the basis for considering proposals for the street naming of new developments.
<b>3.0</b>	<b>Main Report</b>
3.1	<p>The Building Control Department has received a request for the naming of a street within a proposed residential development as follows:</p> <p style="padding-left: 40px;">I. <b><u>Site off Ferny Park Gardens, Donaghmore</u></b></p> <p>An application has been submitted by Alskea Contracts for the naming of a new street within a residential development off Ferny Park Gardens, Donaghmore. A Building Control Application has been submitted for the erection of 9 dwellings although work has not yet commenced on site.</p> <p>The options submitted are as noted below:</p> <p style="padding-left: 40px;">1. <b>Ferny Park Close</b>  2. <b>Ferny Park Lane</b>  3. <b>Ferny Park Way</b></p> <p>As the options submitted are linked to the locality in each case, it is considered that each option demonstrates compliance with the policy as adopted.</p> <p style="padding-left: 40px;">II. <b><u>Site off Drumearn Road, Orritor, Cookstown</u></b></p>

	<p>An application has been submitted by Gallion Developments for the naming of a new street off Drumearn Road, Orritor, Cookstown. A Building Control Application has been submitted for the erection of 37 dwellings although work has not yet commenced on site.</p> <p>The options submitted are as noted below:</p> <ol style="list-style-type: none"> <li><b>1. Gortin Water Lane</b></li> <li><b>2. Gortin Water Grange</b></li> </ol> <p>As the options submitted are linked to the locality in each case, it is considered that each option demonstrates compliance with the policy as adopted.</p>
<b>4.0</b>	<b>Other Considerations</b>
<b>4.1</b>	<b>Financial, Human Resources &amp; Risk Implications</b>
	Financial: None
	Human: None
	Risk Management: None
<b>4.2</b>	<b>Screening &amp; Impact Assessments</b>
	Equality & Good Relations Implications: None
	Rural Needs Implications: No
<b>5.0</b>	<b>Recommendation(s)</b>
<b>5.1</b>	<p>It is recommended that consideration is given to the approval one option within the following proposals for the Street Naming of a street within a new residential development within Mid Ulster.</p> <ol style="list-style-type: none"> <li><b><u>I. Site off Ferny Park Gardens, Donaghmore</u></b> <ol style="list-style-type: none"> <li><b>Either     Ferny Park Close</b></li> <li><b>Or         Ferny Park Lane</b></li> <li><b>Or         Ferny Park Way</b></li> </ol> </li> <li><b><u>II. Site off Drumearn Road, Orritor</u></b> <ol style="list-style-type: none"> <li><b>Either     Gortin Water Lane</b></li> <li><b>Or         Gortin Water Grange</b></li> </ol> </li> </ol>

<b>6.0</b>	<b>Documents Attached &amp; References</b>
6.1	Appendix 1 – Policy for Street Naming and Numbering
6.2	Appendix 2 – Pro-forma containing street naming proposals, location map and site layout plan for new street off Ferny Park Gardens, Donaghmore
6.3	Appendix 3 – Pro-forma containing street naming proposals, location map and site layout plans for new streets off Drumearn Road, Orritor, Cookstown



## Policy on Street Naming and Numbering

Document Control			
<b>Policy Owner</b>	Director of Public Health & Infrastructure		
<b>Policy Author</b>	Director of Public Health & Infrastructure		
<b>Version</b>	Version 2		
<b>Consultation</b>	Senior Management Team	Yes / No	
	Trade Unions	Yes / No	
<b>Equality Screened by</b>	Principal Building Control Officer	<b>Date</b>	27/04/21
<b>Equality Impact Assessment</b>	N/A	<b>Date</b>	
<b>Good Relations</b>	N/A		
<b>Approved By</b>	Environment Committee	<b>Date</b>	11/05/21
<b>Adopted By</b>	Council	<b>Date</b>	27/05/21
<b>Review Date</b>		<b>By Whom</b>	
<b>Circulation</b>	Councillors, Staff		
<b>Document Linkages</b>			

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7.0	Roles & Responsibilities	
8.0	Impact Assessments <ul style="list-style-type: none"> <li>• Equality Screening &amp; Rural Needs Impact</li> <li>• Staff &amp; Financial Resources</li> </ul>	
9.0	Support & Advice	
10.0	Communication	
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B	Naming of New Streets and Housing Developments: <i>Procedure</i>	
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## **1.0 INTRODUCTION**

1.1 Mid Ulster District Council resolved that a policy and associated procedures be developed to guide the Council in accordance with the provisions of Article 11 of the Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1995("the 1995 Order"), referenced in Appendix A to this policy, on;

- (i) Naming of New Streets and Housing Developments;
- (ii) Renaming and Re-numbering existing streets

## **2.0 Policy Aim & Objectives**

2.1 **Policy Aim:** To ensure the naming of New Streets and Housing Developments is delivered in a fair, equitable and consistent manner.

### **2.2 Policy Objectives:**

- To facilitate Mid Ulster District Council in meeting its statutory obligations with regard to local government Street Naming requirements
- To confirm the mechanism and process by which Mid Ulster District Council will name new streets and housing developments
- To provide residents with a process whereby they may request the renaming of their street
- To ensure street names are reflective of localities within which they are being proposed and engagement of all affected residents of streets where requests have been received to rename

## **3.0 Policy Scope and Legislative Framework**

3.1 This policy relates specifically to the naming of New Streets/ Housing Developments and processing requests for the erection of nameplates expressing the name of the street in a language other than English. The statutory basis for this policy is contained within Article 11 of the 1995 Order.

- 3.2 This legislation empowers Council to authorise the naming of streets within its respective District. The 1995 Order provides for street naming, street numbering and the provision of street signs. It also provides the Council with a discretionary power to erect dual language street signs or second nameplates in a language other than English via Section 1a and 1b. A copy of the relevant statute is included in Appendix A.

### **Interpretation and Definitions**

- 3.3 For purposes of this Policy the following interpretation/ definitions apply as set out within the 1995 Order:

- Nameplate - defined as a means of 'signifying a name in writing'
- Street - defined as 'any road, square, court, alley, passage or lane'.

### **4.0 Linkage to Corporate Plan**

- 4.1 Referring to Mid Ulster District Council's Corporate Plan 2015-2019, this policy contributes toward the delivery of Corporate Theme 1 *Delivering for Our People*.

### **5.0 Naming of New Streets**

- 5.1 Proposals for new Street names linked to traditional place names will be favorably considered and that if such a place name is traditionally in a language other than English, that name may also be considered as the name by which that place may be known. The procedure that will apply in relation to proposal under this [policy] is contained in Appendix [B]. Building names are not controlled by statute and do not form part of this Policy.
- 5.2 Criteria - General

To maintain the heritage and identity of the area administered by Mid Ulster District Council in naming a new Street and/ or Housing Development the following criteria shall be adhered to. The name chosen shall;

1. Reflect the local townland name, or a local geographical/ topographical, social or historical feature.
2. The name shall not use the townland name within which the street and/ or the housing development is situated. The townland name shall still form part of the postal address.

3. The name should not mark any historical or political event or any individual or family, living or deceased.
4. The prefix of the name can only be the same as an existing Street or Road name prefix in the locality if it is accessed from that street or road.
5. To avoid confusion over addresses the name should not sound similar to an existing Street or Road name in that District Electoral Area.
6. The erected nameplate shall express the name in English; and may express that name in any other language other than English in accordance with Article 11 of the 1995 Order.
7. Although not prescriptive or exhaustive the running order/hierarchy for Street naming should follow an easily understood pattern, for example:
  - Road–Street–Avenue–Mews–Drive–Lane–Close–Alley

## **6.0 Renaming and Renumbering Existing Streets**

- 6.1 Provision shall be made for the renaming and renumbering of existing Streets within the Mid Ulster District Council area, where instances as noted in 7.2 below require that that this be undertaken to maintain a consistent approach to street naming. The 1995 Order empowers Council to authorise Street names within the area they administer. The procedure that will apply in relation to a proposal under this policy is contained in Appendix C.

### **6.2 Criteria - General**

The renaming or renumbering of an existing street shall normally only be considered;

- To remove similar or the same street name in the immediate locality
- Where a street name has been 'lost'
- To correct an incorrectly spelt name
- If emergency services have reported problems in identifying and locating the street
- If postal services or other statutory agencies has reported problems in identifying and locating the street
- Where a request has been received by the Council and signed by not less than 50% of the occupiers of a street to which a change is being sought. This would be based on 1 occupier per premises on the relevant street

## **7.0 Roles and Responsibilities**

- 7.1 **Director of Public Health and Infrastructure:** shall have responsibility for implementation of this policy by Mid Ulster District Council, through the Building Control Service.
- 7.2 **Building Control Service:** shall be responsible for implementing arrangements to administer; (i) requests to name New Streets and Housing Developments and (ii) requests to rename existing Streets.
- 8.0 Impact Assessments**
- 8.1.1 Equality Screening & Impact**
- 8.1.1 This policy has been subject to equality screening in accordance with the Council's equality scheme screening process. It has been 'screened out' for an Equality Impact Assessment.
- 8.2 Rural Needs Impact**
- 8.2.1 This policy has been subjected to a rural needs impact assessment and thus can demonstrate regard to rural needs when delivering this public service.
- 8.3 Staff & Financial Resources**
- 8.3.1 No issues have been identified which will impact on the delivery of Council business as a result of this policy being implemented. Valid requests for determination will be brought to attention of Committee.
- 9.0 Support and Advice**
- 9.1 Advice and guidance on the implementation of this should be sought from the Head of Building Control
- 10.0 Communication**
- 10.1 The Building Control Service within the Public Health & Infrastructure Department of Council is responsible for the communication, delivery and adherence to this policy
- 11.0 Monitoring and Review Arrangements**

- 11.1 Implementation of this policy will be routinely monitored and a formal review undertaken 4 years from its effective commencement date.

**Appendix A**  
**Article 11, Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1995**

*Street names and numbering of buildings*

**Powers of councils in relation to street names and numbering of buildings**

11.—(1) A council may erect at or near each end, corner or entrance of any street in its district a nameplate showing the name of the street; and a nameplate erected under this paragraph—

- (a) shall express the name of the street in English; and
- (b) may express that name in any other language

(2) A council may, immediately adjacent to a nameplate erected under paragraph (1) which expresses the name of a street in English only, erect a second nameplate expressing the name of the street in a language other than English.

(3) Neither this Article nor anything done by a council thereunder authorises or requires the use of the name of a street expressed in a language other than English as, or as part of—

- (a) the address of any person; or
- (b) the description of any land; for

the purposes of any statutory provision.

(4) In deciding whether and, if so, how to exercise its powers under paragraph (1)(b) or (2) in relation to any street, a council shall have regard to any views on the matter expressed by the occupiers of premises in that street.

(5) Any person who—

- (a) obscures, pulls down or defaces any nameplate erected under paragraph (1) or (2);
- (b) erects in any street any nameplate showing as the name of the street a name different from that in any nameplate erected in the street under paragraph (1) or (2); or
- (c) erects in any street any nameplate purporting to show the name of the street, without the authorisation of the council for the district in which the street is situated,

shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 2 on the standard scale.

(6) Where a council has exercised its powers under paragraph (1) in relation to any street, the occupier of each house or other building in that street shall ensure that that house or building is at all times marked with such number as the council may approve for the purposes of this Article.

(7) Where a person fails to comply with paragraph (6) the council may serve on him a notice requiring him to comply with that paragraph within 7 days from the date of service of the notice.

(8) A person who fails to comply with a notice served on him under paragraph (7) shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 2 on the standard scale.

(9) Where a person fails to comply with a notice served on him under paragraph (7) in respect of any house or other building, the council may itself do anything which he has failed to do and may recover from that person summarily as a civil debt any expenses thereby reasonably incurred by it.

(10) In this Article—  
“nameplate” includes any means of signifying a name in writing; “street” includes any road, square, court, alley, passage or lane.

(11) The power of a council to erect a nameplate under paragraph (1) or (2) includes power—

- (a) to erect it on any building or in such other manner as the council thinks fit; and
- (b) to cause it to be erected by any person authorised in that behalf by the council.

(12) The following statutory provisions shall cease to have effect, namely—

- (a) sections 64 and 65 of the Towns Improvement Clauses Act 1847<sup>F6</sup>;
- (b) in section 38 of the Towns Improvement (Ireland) Act 1854<sup>F7</sup> the words “naming the streets and numbering the houses and also so much thereof as relates to”;
- (c) section 21 of the Public Health Acts Amendment Act 1907<sup>F8</sup>;
- (d) section 19 of the Public Health and Local Government (Miscellaneous Provisions) Act (Northern Ireland) 1949<sup>F9</sup>; and
- (e) so much of any local Act as relates to the naming of streets or the numbering of houses or buildings;

## **Appendix B**

### **Naming of New Streets and Housing Developments: *Procedure***

1. Developers should submit an application for a new Street/ Development naming to the Council's Building Control service within the Public Health and Infrastructure Department ("the Department") before any promotional activity on the sale of properties commences.
2. The applicant should recommend at least 2 but no more than 3 names per street for consideration, outlining how they consider the proposed names comply with the criteria referred to within Section 5.2 above. To ensure compliance, applicants should consider contacting local historical/community groups where available, which may be beneficial on receiving advice on names which would be relevant for proposed names of a new road/street in the locality.
3. If the Department determines that the name(s) does not conform to the criteria within 5.2 of this Policy, the developer/applicant will be informed of this and asked to submit an alternative name(s) and/or written representations as to why they disagree. When the Council receives an alternative name(s) and the Council Officer deems that it meets the criteria then it will be recommended to the Council's Environment Committee for consideration.
4. If the developer/applicant is not in agreement with the Department's evaluation they can make written representations which will be considered at the next available meeting of the Environment Committee.
5. The developer/ applicant will be informed of the approved name following approval of the Environment Committee minutes at the next available Council meeting of Mid Ulster District Council
6. Should the Committee not accept any of the presented options the applicant/ developer will be informed of the Council's decision
7. If following the non-acceptance of a proposed name the applicant/ developer does not resubmit an alternative name to the Council within 8 weeks of the date of the decision letter, the Council may identify a name and notify the applicant/ developer of their intention to approve that name. The Council shall allow four weeks to elapse from the date of the notification of the name before presenting it to the next available Environment Committee
8. If a street name has been approved by the Council it shall not be considered for change within 6 months from the date of approval, unless in accordance with the Council's Standing Orders.
9. Names shall be shown on nameplates which will include the townland where relevant and erected in line with current Guidance.
10. New buildings will be allocated numbers consecutively with odd numbers to the right hand side and even numbers to the left hand side.



## **Appendix C**

### **Renaming Existing Street Name: Procedures**

This procedure provides guidelines for the procedure for renaming of existing street/road names which the 1995 Order empowers councils to authorise. The following procedure for canvassing the views of occupiers and the criteria to be applied in deciding whether to rename a street with an alternative in English shall be:

1. Upon receipt of a petition, signed by not less than 50% of the householders (based on one resident per household over the age of 18) of the street/road ("a Petition") the Council will consider a survey of the street/road in relation to the desired name change and reason for same.
2. The proposed name must meet the criteria set down in this policy for the naming of New Streets, as detailed within 5.2 of this policy.
3. If the Department considers the new name meets the criteria, approval to undertake the survey will be sought from the Environment Committee.
4. The Council will survey, by post, to the occupier(s) of each of the properties listed on the Electoral Register and one survey per established business as appears on the Non-Domestic Valuation List of that street/road or the part of a street/road affected at that time; seeking their views on the request to change the name. The survey shall be carried out by the Council's Building Control service.
5. Residents of the existing street being surveyed to be made aware at time of survey of issues which will arise if the street is successfully renamed.
6. Replies will be by way of a supplied self-addressed envelope and must be returned by the date specified in the correspondence giving notification of the survey and reason for same . Only replies received from registered occupiers by that date will be considered
7. The outcome of the survey will be presented to the Environment Committee and only where all occupiers (100 %) in the affected street agree with the proposed name change, will a recommendation be presented to approve the change.
8. Where a request is not approved any further request will not be considered until the expiry of a 12 month period from the date of the Environment Committee meeting where the outcome of the survey was considered.
9. Where a Petition to have an existing street renamed is not approved then the occupiers will be notified of this.

10. Where a new nameplate is erected. The decision to remove an existing nameplate will be made by Property Services, where deemed necessary to do so.
11. Historical nameplates may remain in place where they are fitted to an existing wall (or dwelling), where they will not affect directional issues. This shall be at the discretion of Property Services.
12. Where the Department receives a request from the emergency services, mail delivery services or other statutory bodies who have difficulty locating the street to rename it. They shall inform residents as noted above and consider to survey and rename the street upon the agreement of all households on that street. Such requests shall be notified to and approval sought from Environment Committee and outcome of survey reported to same.

## **MID ULSTER DISTRICT COUNCIL**

### **New Street Name Proposals**

Applicants Name & Address: NICOLLE WHITE, ALSKEA CONTRACTS,  
252 HILLHALL ROAD, LISBURN

BT27 5JQ

Description: ERECTION OF A DWELLING (SPECULATIVE DEVELOPMENT)

AT: SITE 1-9, LARDEN WELL, DONAGHMORE, BT70 1JY

Ref: F/2021/1269/MAST



Comhairle Ceantair  
**Lár Uladh**  
**Mid Ulster**  
District Council

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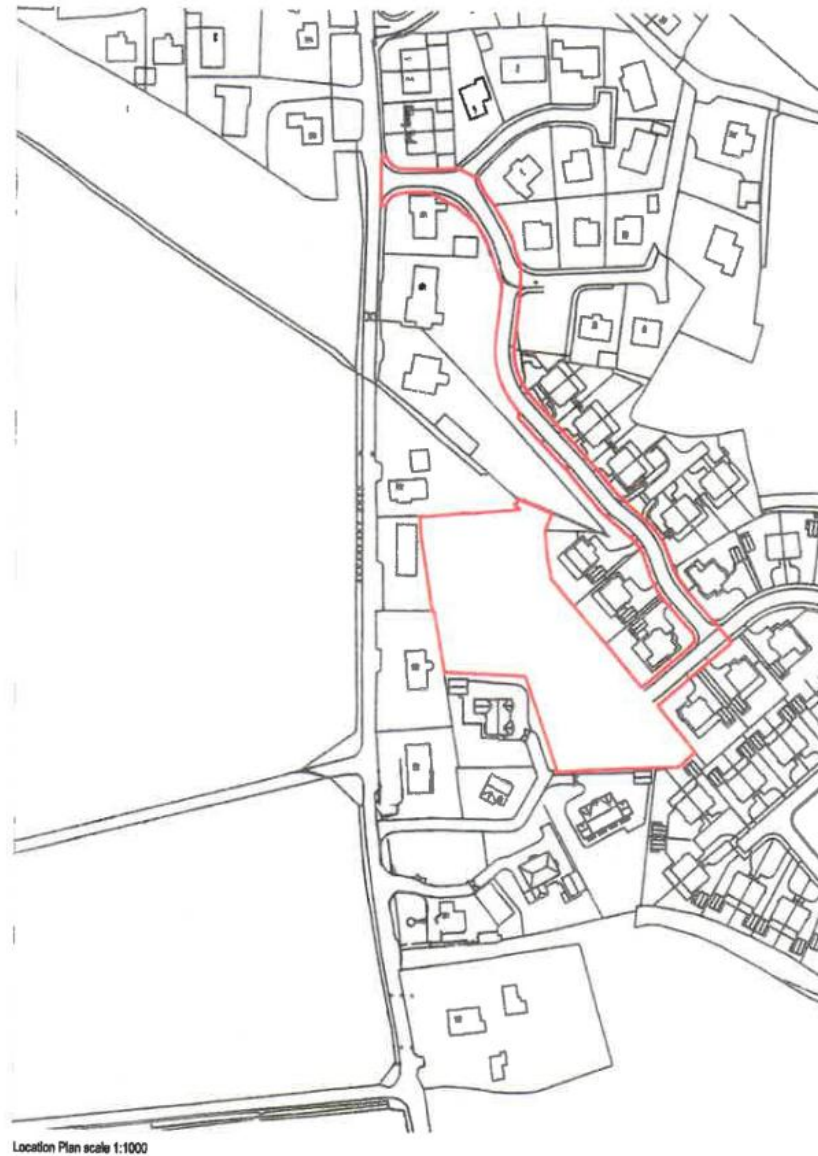
	Proposed Street Name	Linkage to Locality	Reason for Choice
Option 1	FERNY PARK CLOSE	AGHAREANY ORIGINATES FROM THE PHRASE FIELD OF THE BRACKAN MEANING FERNY FIELD.	PROPOSED DEVELOPMENT IS ADJACENT TO A RECENTLY COMPLETED DEVELOPMENT NAMED FERNY PARK GARDENS
Option 2	FERNY PARK LANE	AGHAREANY ORIGINATES FROM THE PHRASE FIELD OF THE BRACKAN MEANING FERNY FIELD.	PROPOSED DEVELOPMENT IS ADJACENT TO A RECENTLY COMPLETED DEVELOPMENT NAMED FERNY PARK GARDENS
Option 3	FERNY PARK WAY	AGHAREANY ORIGINATES FROM THE PHRASE FIELD OF THE BRACKAN MEANING FERNY FIELD.	PROPOSED DEVELOPMENT IS ADJACENT TO A RECENTLY COMPLETED DEVELOPMENT NAMED FERNY PARK GARDENS

\* Please avoid the use of apostrophes, hyphens, full stops and commas.

Please note that street naming proposals should be in accordance with Mid Ulster Council Policy (Attached)

Signed .....

Dated 02.11.21 .....



Location Plan scale 1:1000

**MID ULSTER DISTRICT COUNCIL**

Plans approved in pursuance of Article 13 of The Planning Regulations (NI) Order 1979 (as amended).

Project Name: **Ferry Park Garden - Phase 2**

Project Ref: **PD07**

Client: **AC-PD00-UP01**

Project Manager: **M. G. KILGUS**  
Director of Public Health & Infrastructure

Drawn	Checked	AC Sign	Client Appr

Project: **Ferry Park Garden - Phase 2**

Drawing Title: **Location Plan**

Project Ref	Date	Scale
<b>PD07</b>	<b>August 2021</b>	<b>1:1000</b>

Drawing Ref: **AC-PD00-UP01**

Rev: **01**





Rev	Date	Comments	Drawn
15.11.21		Issue for Information - Steel Frame Proposals	NW
Revisions:			
Approvals	By	Checked:	AC Appr:
	Date		Client Appr:

Client:

Project:  
Ferry Park Gardens - Phase 2

Drawing Title:  
Location Plan

Project No:  
PD07

Date:  
November 2021

Scale:  
AS NOTED AT A1

Drawing No:  
AC-PD00-SL01

Rev:  
P



A: 16a Crossavenagh Road, Derryalskea, Dungannon, Tyrone BT70 3BJ  
E: info@alskea.com W: alskeacontracts.com T: 028 8776 9297

MID ULSTER DISTRICT COUNCILNew Street Name Proposals

Comhairle Ceantair  
**Lár Uladh**  
**Mid Ulster**  
District Council

Applicants Name &amp; Address:

TOM SPENCE, 89 BASH ROAD, DUNAGHNOON BT16 6EJ

Description:

SITE FOR GALLION DEVELOPMENTS, OFF DEAMENARD ROAD, ORRITOR

Ref:

F/2021/1646

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	Proposed Street Name	Linkage to Locality	Reason for Choice
Option 1			
Option 2	GOERTIN WATER LANE	GOERTIN WATER RIVER IS INSIDE OUR BOUNDARY AND ALSO FORMS ANOTHER PART OF OUR BOUNDARY	HAS A RURAL CONNOTATION. GOERTIN WATER RIVER FLOWS THROUGH AND IS AN INTEGRAL FEATURE OF OUR OPEN SPACE PLAN. IT WILL BE LANDSCAPED TO COMPLEMENT THE DEVELOPMENT.
Option 3	GOERTIN WATER GRANGE.	AS ABOVE.	AS ABOVE

\* Please avoid the use of apostrophes, hyphens, full stops and commas.

Please note that street naming proposals should be in accordance with Mid Ulster Council Policy (Attached)

Signed .....

Dated .....

13/11/21

**FLOOR JOIST PLAN**  
HOUSE TYPE D2  
(Site No.32)  
(Scale: 1:50)

Joists/trusses. Joists/ trusses with straps over to have solid bridging between at both ceiling and roof level.

**ROOF PLAN**  
HOUSE TYPE D2  
(Site No.32)  
(Scale: 1:50)

projection over Snug.

At no point shall the roof trusses or contact the external wall of the cav. The trusses shall extend beyond the external leaf along the eaves & girth but a small section of external block be removed around the line of the tr ensure that no cold bridge can occur

**SAP/TER & DER:**

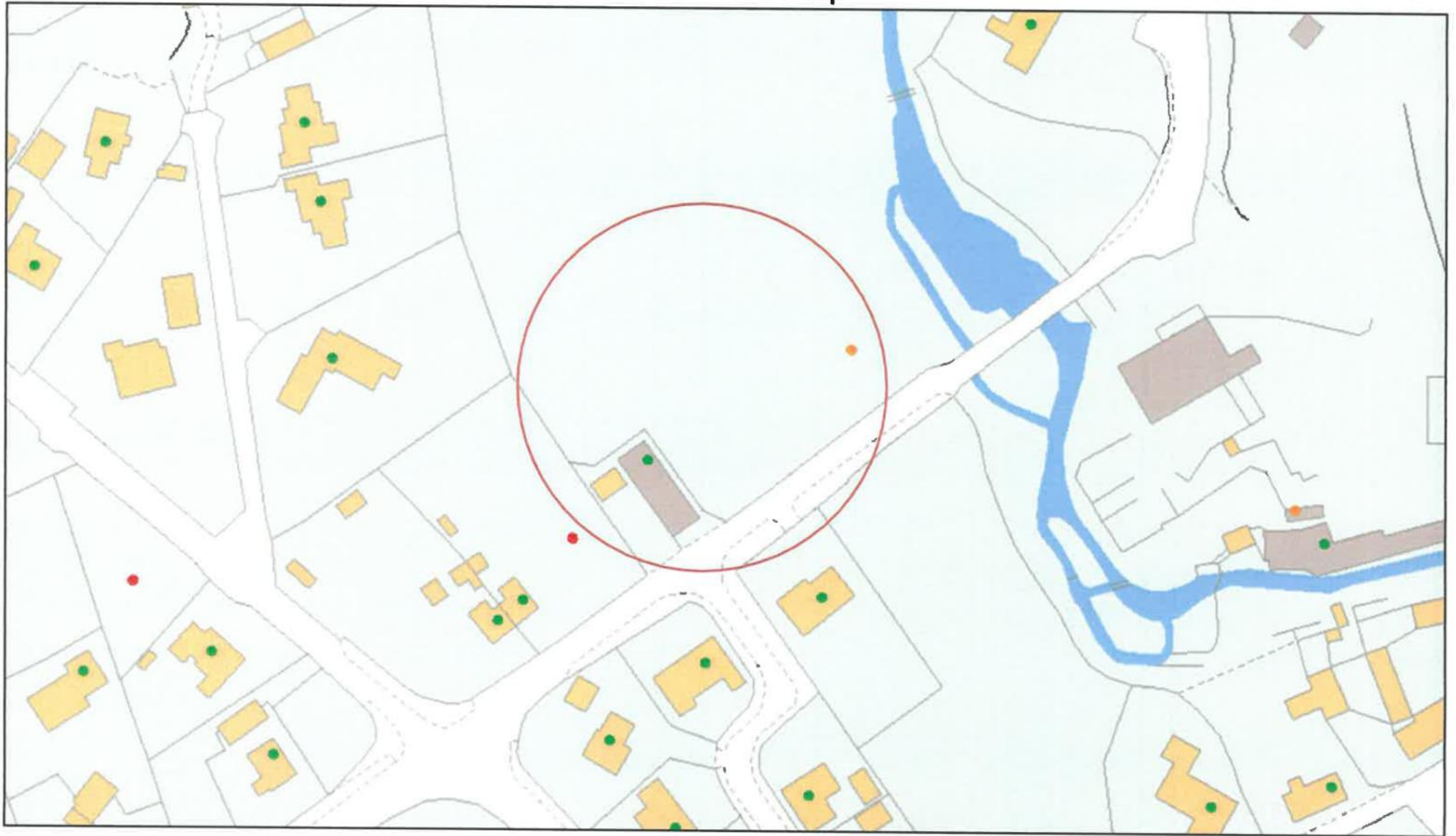
Site 1: SAP = 848, TER = 22.90, DER = 22.87 pass  
Site 2: SAP = 848, TER = 22.90, DER = 22.87 pass  
Site 3: SAP = 838, TER = 22.92, DER = 21.94 pass  
Site 4: SAP = 838, TER = 22.92, DER = 21.94 pass  
Site 5: SAP = 848, TER = 22.90, DER = 22.87 pass  
Site 6: SAP = 848, TER = 22.90, DER = 22.87 pass  
Site 7: SAP = 838, TER = 24.38, DER = 22.69 pass  
Site 8: SAP = 848, TER = 22.94, DER = 22.69 pass  
Site 9: SAP = 848, TER = 22.94, DER = 22.69 pass  
Site 10: SAP = 848, TER = 22.94, DER = 22.69 pass  
Site 11: SAP = 848, TER = 22.94, DER = 22.69 pass  
Site 12: SAP = 848, TER = 22.94, DER = 22.69 pass  
Site 13: SAP = 848, TER = 22.94, DER = 22.69 pass  
Site 14: SAP = 848, TER = 22.94, DER = 22.69 pass  
Site 15: SAP = 848, TER = 22.94, DER = 22.69 pass  
Site 16: SAP = 838, TER = 25.16, DER = 23.42 pass  
Site 17: SAP = 838, TER = 25.16, DER = 23.42 pass  
Site 18: SAP = 848, TER = 23.29, DER = 23.23 pass  
Site 19: SAP = 848, TER = 23.29, DER = 23.23 pass  
Site 20: SAP = 848, TER = 23.29, DER = 23.23 pass  
Site 21: SAP = 848, TER = 23.29, DER = 23.23 pass  
Site 22: SAP = 848, TER = 23.29, DER = 23.23 pass  
Site 23: SAP = 848, TER = 23.29, DER = 23.23 pass  
Site 24: SAP = 848, TER = 23.29, DER = 23.23 pass  
Site 25: SAP = 848, TER = 23.39, DER = 23.23 pass  
Site 26: SAP = 848, TER = 22.77, DER = 22.49 pass  
Site 27: SAP = 848, TER = 22.77, DER = 22.49 pass  
Site 28: SAP = 848, TER = 22.77, DER = 22.49 pass  
Site 29: SAP = 848, TER = 22.77, DER = 22.49 pass  
Site 30: SAP = 848, TER = 22.77, DER = 22.49 pass  
Site 31: SAP = 848, TER = 22.77, DER = 22.49 pass  
Site 32: SAP = 838, TER = 24.38, DER = 22.69 pass  
Site 33: SAP = 848, TER = 22.94, DER = 22.69 pass  
Site 34: SAP = 848, TER = 22.94, DER = 22.69 pass  
Site 35: SAP = 848, TER = 22.94, DER = 22.69 pass  
Site 36: SAP = 848, TER = 22.94, DER = 22.69 pass  
Site 37: SAP = 838, TER = 24.38, DER = 22.69 pass



THIRAC FOOTPATH  
10m

**SITE PLAN**  
(Scale: 1:500)

# ArcGIS Web Map



17/11/2021 10:09:17

Mid\_Ulster\_Boundary

OSNI\_Pointer

BUILT

NONE

UNDER CONSTRUCTION

DERELICT

1:1,250  
0 0.01 0.02 0.04 mi  
0 0.01 0.03 0.06 km

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<b>Report on</b>	Consultation on Proposed Amendments of Technical Booklet Guidance to Part F (Conservation of fuel and power) of the Building Regulations
<b>Date of Meeting</b>	6 <sup>th</sup> December 2021
<b>Reporting Officer</b>	William Wilkinson

<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 advise Members on the Consultation forwarded by the Department of Finance, inviting a response on the proposed Amendments to Part F guidance of the Building Regulations (Conservation of fuel and power).
<b>2.0</b>	<b>Background</b>
2.1	Building Regulations apply to most building works and are principally in place to ensure the health, safety, welfare and convenience of people in and around buildings, and the conservation of fuel and power, the protection and enhancement of the environment and the promotion of sustainable development
2.2	Part F (Conservation of fuel and power) of the Building Regulations sets minimum standards for building work with respect to carbon performance and energy conservation measures.
2.3	Part F (Conservation of fuel and power) of the Building Regulations has not been amended since 2012 and hence Standards as set within the Regulations have not been upgraded for approximately which has resulted in the thermal standards of buildings being constructed not being at the same standard as the UK or Ireland
2.4	NZEB is defined under Part F as “a building that has a very high energy performance, as determined in accordance with the National calculation methodology, where the nearly zero or very low amount of energy required should be covered to a very significant extent by energy from renewable sources, including energy from renewable sources produced on-site or nearby”.
2.5	In light of concerns that energy efficiency standards here have been too low for too long and on consideration of the Assembly’s declaration of a climate emergency and commitments to address climate change in the <i>New Decade, New Approach</i> proposals, the Department is keen to prioritise improved thermal standards.

<b>3.0</b>	<b>Main Report</b>
3.1	Correspondence has been received from the Department for Finance (see Appendix 1) regarding a consultation seeking the views of the Council in relation to proposals for amendment of Technical Booklet Guidance to Part F (Conservation of fuel and power) and the Consultation Document on the Proposal for amendment of Technical Booklet Guidance to Part F (Conservation of fuel and power) – see Appendix 2
3.2	Generally, it is agreed that it is sensible to prioritise the proposed amendments to Technical Booklets F1 and F2 guidance in advance of awaiting outcomes around the development of new UK energy software and proposed building regulations uplifts. If steps are not taken to prioritise these amendments now and wait for future changes in the UK it will mean that we will have to make a double jump to stay in line with UK as they have already implemented changes in 2016. ROI standards are already more so in line to the UK.
3.3	<p>The amendments primary target will be the 40% betterment of the TER for houses, 25% for flats and 15% for new non-domestic buildings. In order to achieve this will require at least some of the following measures:</p> <ul style="list-style-type: none"> <li>• an air-tightness performance no greater than 10 m<sup>3</sup>/(h.m<sup>2</sup>) at 50Pa. Current guidance had allowed up to 15 m<sup>3</sup> (h.m<sup>2</sup>).</li> <li>• New U-value limits for building fabric. The U-value is the measure of heat loss through a construction element (i.e. for wall, roofs, floors etc.)</li> <li>• Increased usage of renewable energy generation either directly at the property or via a community/communal renewable energy generated system (i.e. photovoltaic panels, small wind turbines) and the potential to connect any excess energy generated to the electrical grid</li> <li>• Efficient ventilation systems to a building</li> <li>• Increased usage of heat pumps as an alternative to oil/gas central heating.</li> </ul>
3.4	The u-value standards and air-tightness performance are already being achieved on many buildings by construction professionals. However, there are concerns that the guidance expects to lead to a greater use of renewable generation technologies which may prove difficult to be serviced by the market ie. limited number of business professional in this area
3.5	Heat pump led solutions should significantly reduce the carbon emissions from a building. However it does have higher capital costs and higher running costs than standard oil/gas central heating. Therefore perhaps a

	compensatory grant scheme or similar idea should be considered to encourage designers/ end users to use such a system.
<b>4.0</b>	<b>Other Considerations</b>
<b>4.1</b>	<b>Financial, Human Resources &amp; Risk Implications</b>
	Financial: Within Current Resources
	Human: Within Current Resources
	Risk Management: Within Current Resources
<b>4.2</b>	<b>Screening &amp; Impact Assessments</b>
	Equality & Good Relations Implications: N/a
	Rural Needs Implications: N/a
<b>5.0</b>	<b>Recommendation(s)</b>
5.1	It is recommended that Members consider and agree the content of the attached draft consultation response to the proposed Amendments of the Building Regulation Guidance – see Appendix 3.
<b>6.0</b>	<b>Documents Attached &amp; References</b>
6.1	Appendix 1 – Correspondence regarding Consultation on Proposed Amendment of Technical Booklet Guidance to Part F (Conservation of fuel & power).
6.2	Appendix 2 – Consultation Draft on Technical Booklet F guidance (Conservation of fuel and power).
6.3	Appendix 3 – The amendment of Technical Part F (Conservation of fuel and power) consultation response.





Department of Finance  
Building Standards Branch  
Properties Division  
Enterprise Shared Services  
Floor 6, Goodwood House  
44-58 May Street  
Belfast BT1 4NN

Date: 11<sup>th</sup> October 2021

**Dear Consultee,**

**CONSULTATION ON PROPOSED AMENDMENT OF TECHNICAL BOOKLET  
GUIDANCE TO PART F (CONSERVATION OF FUEL AND POWER) OF THE  
BUILDING REGULATIONS (NORTHERN IRELAND) 2012**

The Department of Finance is consulting on proposals for amendment of Technical Booklet guidance to Part F (Conservation of fuel and power) of the Building Regulations. The consultation proposals are intended as an interim step to uplift requirements for new buildings and to provide a more robust application of Regulation 43B (Nearly zero-energy requirements for new buildings).

Please see the following link to the [Department of Finance public consultation](#) website. You can respond to the consultation using the on-line facility on [Citizen Space](#), accessible via NI Direct.

Closing date for receipt of responses is **19<sup>th</sup> December 2021**.

Yours faithfully,

**DC McDonnell**  
Director of ESS Properties Division

# **The Building Regulations (Northern Ireland) 2012 (as amended)**

**Public Consultation Document C.1**

## **Consultation Proposals for amendment of Technical Booklet Guidance to Part F (Conservation of fuel and power)**

**October 2021**

**(Closing date for the receipt of responses is 23.59 PM on Sunday 19th December 2021)**

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## Glossary of Terms

<b>Air Tightness/Pressure Test</b>	An on-site measurement on completion of construction to measure the air tightness/permeability of the building fabric
<b>BER</b>	The Building carbon dioxide Emissions Rate measured in kgCO <sub>2</sub> /m <sup>2</sup> /yr
<b>DER</b>	The Dwelling carbon dioxide Emissions Rate measured in kgCO <sub>2</sub> /m <sup>2</sup> /yr
<b>EPC</b>	Energy Performance Certificate
<b>TBF1</b>	Technical Booklet F1 Conservation of fuel and power in dwellings
<b>TBF2</b>	Technical Booklet F2 Conservation of fuel and power in buildings other than dwellings
<b>DSM</b>	Dynamic Simulation Modelling; used for calculating energy ratings in complex buildings other than dwellings currently approved for use in Northern Ireland
<b>G98 / G99</b>	NIE Networks application processes for new grid connections (G98 applies 16amp limits to the export capacity of any renewables fitted and provides a more straightforward assessment)
<b>kWh</b>	Kilo Watt Hour (a unit of energy)
<b>kWp</b>	Kilo Watt Peak (these units communicate the generating capacity from a renewable generating technology if operating at 100% efficacy)
<b>LPG</b>	Liquefied Petroleum Gas
<b>MHCLG</b>	Ministry of Housing, Communities and Local Government- (renamed Department for Levelling Up, Housing and Communities 19 <sup>th</sup> September 2021)
<b>MVHR</b>	Mechanical Ventilation with Heat Recovery
<b>NCM</b>	National Calculation Methodology; the calculation methodology used to assess the

energy performance of buildings and implemented using approved editions of relevant software (SAP and SBEM/DSMs)

<b>NIBRAC</b>	Northern Ireland Building Regulations Advisory Committee
<b>NIE Networks</b>	Northern Ireland Electricity Networks
<b>NPV</b>	Net Present Value (a value discounting the value of money in future years)
<b>NZEB</b>	Nearly zero-energy buildings
<b>PV</b>	Photovoltaic solar panels
<b>RIA</b>	Regulatory Impact Assessment
<b>SAP 2009</b>	The Government's Standard Assessment Procedure for calculating energy ratings in dwellings, currently approved for use in Northern Ireland
<b>SBEM</b>	The Simplified Building Energy Model, used for calculating energy ratings in non-complex buildings other than dwellings currently approved for use in Northern Ireland
<b>TER</b>	Target carbon dioxide Emission Rate measured in kgCO <sub>2</sub> /m <sup>2</sup> /yr
<b>U-value</b>	Measure of heat loss through a construction element, expressed in W/m <sup>2</sup> K (the lower the U-value the lower the rate of heat loss)

# 1. BACKGROUND

## Building Regulations

- 1.1 The Department of Finance (“the Department”) has policy and legislation responsibility for maintaining the Building Regulations.
- 1.2 These apply to most building work and are made primarily to secure the health, safety, welfare and convenience of people in and around buildings and for the conservation of fuel and power. The current Building Regulations are The Building Regulations (Northern Ireland) 2012 (as amended) (‘the Building Regulations’), and were made using powers provided in The Building Regulations (Northern Ireland) Order 1979 (as amended).
- 1.3 The Building Regulations set mainly functional requirements (i.e. they identify a reasonable standard that should be attained) and are supported by Technical Booklets giving guidance, including performance standards and design provisions, relating to compliance with specific aspects of the Building Regulations for the more common building situations. If the guidance in a Technical Booklet is followed, there will be a presumption of compliance with the requirements of those Building Regulations covered by that guidance.

## Part F (Conservation of fuel and power) and NZEB

- 1.4 Part F (Conservation of fuel and power) of the Building Regulations sets minimum standards for building work with respect to carbon performance and energy conservation measures.
- 1.5 Article 9(1) (*Nearly zero-energy buildings*) of the Energy Performance of Buildings Directive 2010/31/EU (EPBD) has been transposed via regulation 43B (*Nearly zero-energy requirements for new buildings*) of Part F, to require that new buildings are ‘nearly zero-energy buildings’ (NZEB). The requirement applies to all newly erected buildings from 31 December 2020.
- 1.6 Regulation 38 (*Application and interpretation*) of Part F defines NZEB as “*a building that has a very high energy performance, as determined in accordance with the National calculation methodology, where the nearly zero or very low amount of energy required should be covered to a very significant extent by energy from renewable sources, including energy from renewable sources produced on-site or nearby*”.
- 1.7 Regulation 39 (*Conservation measures*) requires reasonable provisions for conservation of fuel and power by limiting heat losses and through use of efficient services with appropriate controls.

- 1.8 Regulation 40 (*Target carbon dioxide emission rate*) of Part F requires that a new building's rate of emissions does not exceed a Target carbon dioxide Emissions Rate (TER) when modelled in accordance with the National Calculation Methodology (NCM).
- 1.9 Regulation 43A (*Consideration of high-efficiency alternative systems*) of Part F requires that designers of new buildings consider "high-efficiency alternative systems", (e.g. decentralised renewables, district heating, combined heat and power systems, heat pumps etc.). The requirement is only to demonstrate that these options have been considered.
- 1.10 The Department issued an Information Note titled "*Nearly zero-energy buildings (NZEB) requirements in new buildings*" in December 2020, in order to clarify the implementation of the NZEB requirements of regulation 43B as it applied to all new buildings from 31 December 2020. The Note advised that the minimum level of compliance required to achieve NZEB could be provided by meeting the TER required under regulation 40 and noted that the Department was working to increase the standards required under Part F as soon as possible.
- 1.11 Continuation with the existing standards for a short period of time was intended to be consistent with the broad policy approach of the UK Ministry of Housing, Communities and Local Government (MHCLG) and the other devolved administrations. It also provides industry with some continuity and opportunity to stabilise in the light of the COVID-19 pandemic and any Brexit related uncertainty.
- 1.12 The UK government is developing a programme of amendments to the NCM software to reflect the latest scientific understanding of building physics, revised carbon, primary energy and cost factors for UK fuels, and to implement various technical adjustments necessary for compliance with Directive 2018/844/EU, which further amends the EPBD.
- 1.13 These changes will result in new software, a new Primary Energy (PE) target metric and revised cost and carbon factors, which will input to the calculation of a revised TER. The new software will apply alongside an uplift in Building Regulation requirements in each administration, rolling out from early 2022 onwards. However, the outworking of these revisions is complex and consequences need local consideration (e.g. reduced carbon and PE factors could encourage uptake of electric heating, which would be more expensive to operate than standard boilers). The Department and industry will need to consider these issues and proposals once the position in England has settled.
- 1.14 However, in light of concerns that energy efficiency standards here have been too low for too long and in consideration of the Assembly's declaration

of a climate emergency and commitments to address climate change in the *New Decade, New Approach*<sup>1</sup> proposals, the Department is keen to prioritise improved standards around NZEB and not to delay uplift further whilst we consider this, more complex, position. While some subsequent re-adjustment of standards and a potential further uplift will be necessary in consequence of the UK NCM development process, the Department is of the view that this should not delay action where possible.

- 1.15 The Department accepts that a fundamental in-depth review of Part F (Conservation of fuel and power) and Part K (Ventilation) will be required to take account of the position and proposals of the other administrations and that ongoing work will be required thereafter.
- 1.16 A provisional phased plan of uplifts was published in the *Energy Strategy for Northern Ireland Consultation on Policy Options*<sup>2</sup> detailed in Figure 1 below and feedback is being considered. We expect to consult further on this as part of Phase 2 Discussion Document, which will help further set the course of direction for industry. Phase 3 will consider recent and ongoing developments in other administrations and take on board the SAP 10/SBEM v6 software as part of an uplift planned for late 2022/23.
- 1.17 The Department is developing a Discussion Document for public consultation in the coming months, which will provide further input on the relevant issues and seek to outline pathways towards very high efficiency standards for new buildings in the medium term. The proposals within this current consultation are intended to provide an uplift to the requirements for new buildings as an interim “stepping stone” measure.

**Q1: Do you agree that it is sensible to prioritise the proposed amendments to Technical Booklets F1 and F2 guidance in advance of awaiting outcomes around the development of new UK NCMs, software and proposed building regulations uplifts?**

- Yes
- No

**If no, please explain your reasoning.**

- 1.18 The proposals for amendments to Technical Booklets F1 & F2 of the Building Regulations are included in principle form (see Sections 2 and 5). This will give consultees an overview of all the proposed alterations and additions to the current guidance.

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<sup>2</sup> <https://www.economy-ni.gov.uk/consultations/consultation-policy-options-new-energy-strategy-northern-ireland>

- 1.19 In addition, "Consultation Version Only" drafts of the amended Technical Booklets are supplied and the Department would be keen to consider any specific amendments to wording or detail intended to improve clarity or address any concerns.

**DoF is proposing an ambitious five phase approach to uplifting building regulations.** This will take into account the Future Homes and Future Buildings standards that emerge in England. DoF aims to consult on the details of this approach later in 2021.

The five phases are anticipated to be:

- **Phase 1 is an interim uplift during 2021/22.** This will seek to increase standards through higher targets and new minimum insulation values that will lead to improved building fabric and an increased use of on-site renewables, with a view to implementation as quickly as possible.
- **Phase 2 is a discussion document to inform longer term uplifts.** This is expected to issue shortly after the phase 1 consultation and will seek to gather evidence to identify and help remove constraints to higher standards in the long term.
- **Phase 3 is an uplift in 2022/23 that would take into account uplifts planned in other regions for 2021/22.** These changes are likely to incentivise heat-pump led solutions and ensure buildings are future-proofed in relation to low-carbon heating.
- **Phase 4 is an uplift in 2026/27 that would take into account the 'Future Homes and Future Buildings' standards and similar developments in other regions.** It is anticipated that England will introduce standards in 2025 to ensure that new buildings are low-carbon ready and explicitly support low-carbon heating solutions. It is unlikely that mains gas or oil connections will be viable for new buildings under those standards.
- **Phase 5 is a further review in 2029/30.** This will review the position and consider issues that have not been addressed in previous phases.

The 'Future Homes and Future Buildings' standards and the position adopted by other devolved administrations and the Republic of Ireland are natural starting places for setting higher standards here. However, we also need to make sure that these are tailored to reflect different characteristics here and that future pathways to increasing standards align with the direction set in the Energy Strategy to optimise delivery on carbon reduction.

**Figure 1:** Extract from *Energy Strategy for Northern Ireland Consultation on Policy Options*

## 2 INTRODUCTION TO CONSULTATION PROPOSALS

- 2.1 The purpose of this consultation is to obtain comments and views of interested parties on proposals for changes to guidance to the Building Regulations with regard to NZEB.
- 2.2 No legislative amendments to Part F (Conservation of fuel and power) of the Building Regulations are currently proposed.

### Outline of proposals

- 2.3 We are consulting on proposals to uplift the minimum energy efficiency standards for new buildings. Three options have been considered –
- **Option 1:** do nothing;
  - **Option 2:** require NZEB buildings to better the current Target carbon dioxide Emissions Rate (TER) outputs by 25%, in the case of new dwellings, and 15%, in the case of new non-domestic buildings; and
  - **Option 3:** require NZEB buildings to better the current Target carbon dioxide Emissions Rate (TER) outputs by 40% in the case of new houses, 25% in the case of new flats, and 15%, in the case of new non-domestic buildings.

Options 2 and 3 also propose to uplift fabric standards for new buildings (see paragraph 2.5).

**Option 3 is the preferred option** with a better overall return on investment. It would deliver more carbon savings and better reductions in energy bills, albeit with higher build costs for developers.

- 2.4 The proposed variation in betterment between houses, flats and non-domestic buildings is proposed so that:
- in the case of dwellings, any on-site renewable generating technologies (e.g. photovoltaic panels), used to achieve the improved emissions performance, should normally be able to avail of the more straightforward (G98) grid connection processes; and
  - in all buildings, to ensure that the uplift does not exceed the subsequent standards and software protocols likely to come forward as a result of the NCM and SAP development programmes underway by the UK government which are likely to set the framework for our own 'Phase 3' proposals.

Section 5 provides further detail on this (see paragraphs 5.28-5.42).

- 2.5 Options 2 and 3 set new limits on fabric standards (common to both options) to:
- require provision of building fabric with U-values and (in the case of dwellings, a glazing assessment), as specified within TBF1 and TBF2 (see paragraph 5.59). A whole building area-weighted U-value assessment provides an alternative approach, provided the overall U-values deliver the same level of performance; and
  - encourage air tightness testing, including removing options on air permeability assessment for a default value of  $15 \text{ m}^3/(\text{h.m}^2)$  to be submitted on small sites for untested dwellings and the similar  $500 \text{ m}^2$  threshold currently permitted for non-domestic buildings.
- 2.6 All options retain the use of the existing SAP 2009 software, while the new NCM software is developed at UK level. Carbon factors in SAP 2009 do not reflect recent decarbonisation of the electricity grid supply. This means that where the 'betterment' is delivered with an electricity-led solution (e.g. with photovoltaic panels), the actual carbon abatement is likely to be significantly less than the betterment requirements.

### **No tapering for taller buildings**

- 2.7 The Department did consider tapering for flats and taller non-domestic buildings on the basis that roof area may limit the extent of PV or other renewables that could be provided. However, modelling of the 25% uplift proposed for flats suggested that the available roof area only became an issue at or above eight storeys and only if a G99 connection (i.e. a larger array than  $11.04 \text{ kWp}$ ), was accepted. We, therefore, no longer think that tapering reductions for taller buildings should be required.

### **Renewable Generating Technologies**

- 2.8 New guidance is proposed to deal with circumstances where the local electricity network cannot accommodate export from on-site renewables that generate electricity (e.g. photovoltaic panels, small wind turbines etc.) which cannot be directly used in the building. It is unclear if this will be a long-term issue as increasing use of electricity and smart systems developments may facilitate more renewables in the medium term. Future uplifts and a revised NCM should also look to deal with this again in future uplifts.

## **Minor Amendments**

- 2.9 Other amendments are intended to clarify, or rectify, previous guidance to reflect the current working and enforcement practices. The changes include re-wording to promote an expectation of air-tightness testing and to clarify provisions in relation to thermal bridge assessments.

### 3 CONSULTATION PACKAGE – CONTENTS AND RESPONSE

- 3.1 This consultation has been issued by the Department of Finance, which has responsibility for maintaining the Building Regulations for Northern Ireland. This document, together with the other consultation documents, is available online at:

<https://www.finance-ni.gov.uk/consultations>

The consultation documents are:

- Consultation Document (C.1);
- Regulatory Impact Assessment (Draft for Consultation) (C.2);
- Technical Booklet F1 (Draft for Consultation): Conservation of fuel and power in dwellings (C.3);
- Technical Booklet F2 (Draft for Consultation): Conservation of fuel and power in buildings other than dwellings (C.4);
- Rural Needs Impact Assessment (Draft for Consultation) (C.5); and
- Equality Impact Assessment Screening (C.6);

Draft Technical Booklets F1 and F2 are being issued as part of this package to demonstrate to the reader the proposed changes to those booklets, for consultation purposes only. The intention is to publish revised and consolidated Technical Booklets F1 and F2 prior to the changes coming into operation.

- 3.2 We look forward to receiving your comments and views concerning any of the proposals contained in this consultation. We ask you to exercise care and refrain from the inclusion of any potentially defamatory material as it is our intention to publish responses on the Department's website. We will not publish the names or contact details of respondents, but will include the names of organisations responding.

We would encourage you to respond to the consultation using the on-line facility on [Citizen Space](#), accessible via NI Direct.

Your opinions are valuable to us. Thank you for taking the time to read this document and respond.

- 3.3 If you require a hard copy of this consultation document or have any other enquiries, please email your request to [info.bru@finance-ni.gov.uk](mailto:info.bru@finance-ni.gov.uk) or you can write to us at:

Consultation Co-ordinator  
Department of Finance  
Building Standards Branch  
6<sup>th</sup> Floor  
Goodwood House  
44 - 58 May Street  
Belfast  
BT1 4NN

The Department will consider all the responses to this consultation received on or before **the closing date, which is Sunday 19<sup>th</sup> December 2021.**

Submissions made after this date cannot be considered.

### **Next Steps in the Consultation Process**

- 3.4 Where respondents have given permission for their response to be made public, and after we have checked that they do not contain personal information or product names, responses will be made available to the public at <https://www.finance-ni.gov.uk/publications>. If you use the consultation hub, Citizen Space, to respond, you will receive a copy of your response via email.
- 3.5 We may also wish to make responses to this consultation available to the Northern Ireland Assembly and for public inspection at the Building Standards Branch office.
- 3.6 Following the closing date, all responses will be analysed and the Department will publish a summary of responses to the consultation.
- 3.7 All information will be handled in accordance with the General Data Protection Regulations.

### **Confidentiality and Data Management**

- 3.8 If you ask for your response to be regarded as confidential and not to be published, you will be asked to explain to us why you regard the information you have provided as confidential.
- 3.9 Information provided in response to this consultation, including personal data (see Annex A), will be published or disclosed in accordance with the access to information regimes (these are primarily the Freedom of Information Act 2000 (FOIA), the Data Protection Act 2018 (DPA), the EU General Data Protection Regulation, and the Environmental Information Regulations 2004). If we receive a request for disclosure of confidential

information, we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances.

- 3.10 The Department of Finance will process your personal data in accordance with the law and, in the majority of circumstances, this will mean that your personal data will not be disclosed to third parties. A full privacy notice is included at Annex A.

Are you satisfied that this consultation has followed the Consultation Principles? If not or you have any other observations about how we can improve the process, please contact us via the complaints procedure at:

<https://www.finance-ni.gov.uk/publications/dof-customer-service-standards-and-complaints-procedure>.

## 4 PROPOSED IMPLEMENTATION PLAN

### Amendments Overview

- 4.1 Substantial and more involved, legislative amendments will be required in the next uplift proposed as 'Phase 3' in the Department's provisional plan. With this in mind, and to aid delivery at pace, no legislative amendments to Part F (Conservation of fuel and power) of the Building Regulations are proposed at this stage. Instead, it is proposed that new guidance relevant to the requirements of regulation 43B (*Nearly zero-energy requirements for new buildings*) and other Part F regulations should be inserted into Technical Booklets F1 (Conservation of fuel and power in dwellings) and F2 (Conservation of fuel and power in buildings other than dwellings) ('TBF1' and 'TBF2').

### Ongoing Use of Current Software

- 4.2 Given the urgency of the position and a likely need to accommodate new software soon, the proposed uplift has been developed on the basis that the existing software (e.g. SAP2009/SBEM v4) could continue to be used. A further uplift to SAP 10/SBEM v6 will be part of the fundamental review to take into account developments in other regions under Phase 3 proposals.
- 4.3 The proposals are designed so that the new NZEB checks could be carried out manually, based on the detail received on the normal output report that the current software already provides for building regulations compliance checks. This will avoid software development costs and implementation delays, although software developers would be free to adjust their products to provide for the new requirements, should they wish (the Department would encourage this).

**Q2: Do you agree that additional manual checks of current software reports will be manageable in practice to demonstrate compliance in relation to the new requirements for:**

- a) the betterment of the TER;**
- b) an air-tightness performance no greater than 10 m<sup>3</sup>/(h.m<sup>2</sup>) at 50Pa; and**
- c) new U-value limits for building fabric (see paragraph. 5.59 on this below)?**

- Yes**
- No**

**If no, please explain your reasoning and provide supporting evidence or alternative solutions on what alternative assessments should be introduced.**

#### **Timescale for Implementation**

**4.4** Given the long-standing notice of an NZEB requirement and the lack of substantive change to Part F requirements since 2012, the Department considers that industry should be well placed to respond to an uplift of this scale and nature. The intention is, therefore, to implement the new guidance as soon as possible with a view to coming into operation some three months after publication. The Department is aiming for the new guidance to apply to new plans applications from as early in 2022 as practicable.

**4.5** The new proposed requirements would apply on the basis of the date of a building regulations application. In keeping with the application of all other building regulations applications requirements, the current NZEB requirements will continue to apply to any applications submitted prior to the coming into operation of the new guidance.

**Q3: Do you agree that the new guidance should apply from three months of publication of the guidance and from as early in 2022 as practicable?**

- Yes**
- No**

**If no, please explain your reasoning and provide evidence for an alternative timescale.**

## 5 PROPOSALS FOR AMENDMENT OF TECHNICAL BOOKLETS F1 AND F2

- 5.1 New “Consultation Version Only” drafts of TBF1 and TBF2 are provided alongside this consultation and the Department would be keen to consider any specific amendments to wording or detail intended to improve clarity or address any concerns.

### Overview of Proposals

- 5.2 We are consulting on proposals to uplift to minimum energy efficiency standards for new buildings. Three options have been considered:
- **Option 1:** Do nothing;
  - **Option 2:** uplift limiting fabric standards and provide a DER/BER betterment of 25% for new dwellings and 15 % for new non-domestic buildings on the TER used for compliance with regulation 40 (*Target carbon dioxide emission rate*); and
  - **Option 3:** uplift limiting fabric standards and provide a DER/BER betterment of 40% for houses, 25% for flats and 15% for non-domestic buildings on the TER used for compliance with regulation 40 (*Target carbon dioxide emission rate*).
- 5.3 Option 2 and 3 uplift guidance with new fabric standards (common to both options) to:
- require provision of building fabric with U-values and, in the case of dwellings, a glazing assessment, as specified in proposed new Tables within TBF1 and TBF2 (see paragraph 5.59). A whole building area-weighted U-value assessment provides an alternative approach, provided the overall U-values deliver the same level of performance; and
  - remove options on air permeability assessment for a default value of 15 m<sup>3</sup>/(h.m<sup>2</sup>) to be submitted on small sites for dwellings and the similar 500 m<sup>2</sup> threshold exemption permitted for non-domestic buildings.
- 5.4 It is also proposed to update the reference on the *Non-Domestic Building Services Compliance Guide* (NDBSCG) to the 2013 edition<sup>3</sup>, rather than retaining the 2010 edition<sup>4</sup>, which applies currently.

<sup>3</sup> [https://www.uk-ncm.org.uk/filelibrary/NCM\\_Modelling\\_Guide\\_2013\\_Edition\\_20November2017.pdf](https://www.uk-ncm.org.uk/filelibrary/NCM_Modelling_Guide_2013_Edition_20November2017.pdf)

<sup>4</sup> [https://www.uk-ncm.org.uk/filelibrary/NCM\\_Modelling\\_Guide\\_2010\\_Edition\\_21October2016.pdf](https://www.uk-ncm.org.uk/filelibrary/NCM_Modelling_Guide_2010_Edition_21October2016.pdf)

## Option 1

- 5.5 Option 1 is a 'do nothing' proposal. This would mean the construction industry could continue to build to the current standards, which have been in place since 2012.
- 5.6 Industry groups and NIBRAC have indicated that this is not an acceptable position as we currently have the least onerous energy efficiency requirements for new buildings in the UK and Ireland.
- 5.7 Option 1 would mean that new buildings would not be transitioning at this stage to lower carbon performance standards as recommended by the Climate Change Committee (CCC) and as is required to meet our climate change commitments. There are also concerns that a more robust position in relation to regulation 43B (*Nearly zero-energy requirements for new buildings*), is needed to support more energy efficient construction and accommodation of on-site renewable technologies.
- 5.8 Industry skills and expertise would be likely to fall further behind other regions under Option 1.
- 5.9 Option 1 would mean that measures, such as improved fabric and photovoltaics, or other renewable generating technologies, would be less likely to be implemented in common construction. Part F exists, in the main, because the market is not successfully reflecting the whole life costs or longer-term impacts of less energy efficient construction.
- 5.10 The Department is mindful of the scale of the change progressing in other administrations and notes that the impacts of an uplift similar to that proposed for England's Part L 2022 are likely to be significant here, given our, on average, larger dwellings and much greater reliance on oil boilers. Option 1 does not help industry make progress to address these challenges.
- 5.11 The Department, therefore, considers that Option 1 is not an acceptable position for even the short term. Instead, we consider that a short-term set of proposals (Option 2 or, preferably, Option 3) needs to be implemented as quickly as possible to improve new building standards where it is straightforward to do so and to help introduce subsequent uplifts.

**Q4: Do you agree that Option 1 should be dismissed?**

- Yes
- No

**If not, please provide the evidence and basis for why the current standards are appropriate and should be retained.**

## **Options 2 and 3**

### **Overview**

5.12 Option 2 and 3 propose to amend guidance, principally in relation to Regulation 43B (*Nearly zero-energy requirements for new buildings*), to:

- require a general BER/DER betterment of 25% for new domestic and 15% for new non-domestic buildings (Option 2) or 40% for houses, 25% for flats and 15% for non-domestic buildings (Option 3) on the TER used for compliance with regulation 40 (*Target carbon dioxide emission rate*) (see paragraphs 5.14-5.47 for further detail);
- require provision of building fabric with U-values and, in the case of dwellings, a glazing assessment as specified in a proposed new Table (see paragraph 5.59). A whole building area-weighted U-value assessment provides an alternative approach, provided the overall U-values deliver the same level of performance (see paragraphs 5.52-5.65 for further detail); and
- remove the option on air permeability assessment for a default value of 15 m<sup>3</sup>/(h.m<sup>2</sup>) to be submitted on small sites for dwellings and the similar 500 m<sup>2</sup> threshold exemption currently permitted for non-domestic buildings (see paragraphs 5.68-5.72 for further detail).

5.13 Designers remain free to adopt whatever mix of technologies best suits their circumstances to satisfy the requirements of the regulations.

**Q5: Do you agree that the above proposals provide an appropriate interim step, which can be implemented quickly?**

- Yes
- No

**If no, should they be more onerous or less onerous? Please explain your reasoning and provide supporting evidence for alternative suggestions, taking into account that further review is planned for 2022/23.**

## **Betterment of TER**

5.14 Two options are provided for the extent to which the BER/DER must better the TER:

- Option 2 proposes a betterment of 25% for all dwellings and 15% for buildings other than dwellings; and
- Option 3 proposes a betterment of 40% for houses, 25% for flats and 15% for non-domestic buildings (the Department's preferred Option).

5.15 These options are intended to provide a meaningful level of improved performance while we move to consider the more complex outcomes of the latest proposals and software coming through in GB as well as the Executive's *Green Growth* and *Energy Strategy* positions.

5.16 The manually adjusted betterment of the TER proposals are supported by Regulation 43B (*Nearly zero-energy requirements for new buildings*). This means that this element of the proposals can only apply to new buildings and not to other situations, such as relevant non-domestic extensions of more than 100 m<sup>2</sup> and 25% of the total useful floor area of the building or extensions, where the TER can be used to demonstrate compliance.

5.17 We have taken the local build mix and larger size of homes constructed here into account when assessing Option 2 and 3 costs.

## **Houses; Option 2 vs Option 3**

5.18 The principal difference between Options 2 and 3 rests in the treatment of new houses. EPC data suggests that houses account for some 90% of the new build dwellings (95% by dwelling floor space), so improved performance in this area will be more significant than other sectors.

5.19 A 25% betterment factor is proposed under Option 2 and a 40% factor is proposed under Option 3 using the SAP 2009 assessment methodology. Where the energy savings are electrical these factors will not be achieved in practice, as the carbon factors used for electricity in SAP2009 do not reflect recent grid decarbonisation. This will be rectified with the new NCM software under development by the UK government.

5.20 Under Option 2, the Department's modelling estimates the costs to developers to be £2219/average dwelling house, with annual energy bill savings of £127/year. This takes into account the local build and fuel mix (oil and gas solutions only), but there is a wide range of costs and

assumptions within this. For example, we estimate that a gas-fuelled mid-terrace would cost £1998 more to build, whereas a large oil-fuelled detached house will have increased costs of some £3295. Please refer to the associated Impact Assessment for further details.

- 5.21 By comparison, under Option 3, the Department's modelling estimates the costs to developers to be £2711/average dwelling house with annual energy bill savings of £205/year. The gas-fuelled mid-terrace costs £2397 and the oil-fuelled detached house in this case costs £4317 more.
- 5.22 Heat pump led solutions are significantly more costly. For example, our modelling indicates that a detached house would have an increased construction cost of £6390, with little or no energy running cost savings over the current compliance standard. The heat pump led solutions, however, would significantly exceed the revised emissions targets.
- 5.23 Option 3 therefore, provides better value as larger renewable generation technologies installations are likely to be more cost-effective than small installations. However, this comes at increased upfront cost to developers, although land prices may adjust to take account of the increased construction costs to some degree at least. Wider benefits such as employment benefits in delivering the extra materials and services are not included.
- 5.24 Option 3 provides greater carbon savings: 908 kilo-tonnes from 10 years of construction over 60 subsequent years, rather than 740 kilo-tonnes under Option 2 (both Options assume ongoing maintenance and replacement of renewables over the 60 year life of the buildings). Note - this does not factor in 'embodied carbon' in the additional materials used.

**Q6: Do you prefer Option 3 (40% betterment of the TER for houses, 25% for flats and 15% for new non-domestic buildings), or are the standards outlined in Option 2 (25% betterment of the TER for all dwellings and 15% for buildings other than dwellings) preferred?**

- Preference is for Option 1 (do nothing)
- Preference is for Option 2
- Preference is for Option 3
- None of the above

**If answering 'None of the above', please take into account and advise if proposals described here should be delayed or halted, in order to progress in line with your suggestions.**

- 5.25 We have assumed that Option 3 will marginally increase the extent to which technology, such as mechanical ventilation and heat recovery (MVHR) and/or heat pumps, will be adopted. Significantly greater uptake of these

technologies will be required through subsequent uplifts, but initial engagement has highlighted concerns that the supply chains and skills may not yet be sufficiently embedded for routine application. Heat pumps also seem to have higher running costs than equivalent gas or oil-fuelled strategies when assessed under the NCM software. MVHR and heat pump technologies are, nonetheless, included in the assessment methodologies and would help solutions comply or exceed the betterment required under both Option 2 or Option 3.

- 5.26 Our impact assessment assumes a small increase in uptake of these technologies where other solutions may not be viable. Option 2 assumes some 3.8% of houses (perhaps where PV might not be permissible under planning restrictions) might adopt a heat pump led solution or an alternative with similar cost outcomes. Option 3 assumes 5.8% may adopt a heat pump led solution. Heat pump led solutions will lead to higher capital costs for developers and running costs and occupants, but with significantly reduced carbon emissions than would otherwise be the case. Annex B to the Regulatory Impact Assessment (C.2) provides examples of modelled outcomes and we are open to comment on the assumptions we have made in this area (see Questions 9 and 19).
- 5.27 Option 3 relies on the definition of 'flat' from regulation 2 of Part A of the Building Regulations to determine when the 25% betterment applies, rather than the standard 40% betterment applicable to houses. Regulation 2 defines a flat as *"a dwelling on one or more storeys forming a part of a building from some other part of which it is divided horizontally and includes a maisonette"*. This has provided sufficient clarity in respect of other parts of the Building Regulations for some time, e.g. for Part E (Fire safety).

**Q7: Do you agree that the definition of 'flat' in regulation 2 provides a sufficiently clear discrimination of the building types to enable the different betterment rates to be applied to houses (40%) and flats (25%)?**

- Yes
- No

**If no, please explain your reasoning.**

### **Why is the proposed uplift less for other buildings?**

- 5.28 Mindful of the NZEB requirements, Options 2 and 3 are intended to encourage installation of on-site renewables and improved fabric standards. Photovoltaic (PV) arrays would be a common renewables solution (in part due to the carbon factors in the current software) and we have assumed their use in Impact Assessment modelling.
- 5.29 However, NIBRAC engagement raised concerns around the current electrical grid capacity limitations. Export capable connections using single-phase power are limited to 3.68 kWp output and three-phase power to 11.04 kWp, under NIE's G98 application processes. The alternative G99 application process tends to lead to more onerous assessment, which may be less likely to result in export capable connection. As the NCM methodologies do not yet fully consider export issues, the betterment proposals have been limited to consider a G98 assessment route. We have also proposed guidance amendments to TBF1 and TBF2 (see paragraphs 5.73-5.76).
- 5.30 Options 2 and 3 have limited the extent of uplift in relation to flats and non-domestic buildings, in part, in consideration of this. Additional issues apply in the case of buildings other than dwellings (see paragraphs 5.38-5.47).

### **Flats - 25% betterment**

- 5.31 The Department is mindful that wider sustainability issues, such as transport and city regeneration benefits tend to come with flats and that there will be other cost issues, such as the use of only non-combustible materials in some blocks of flats.
- 5.32 In terms of energy efficiency, flats generally have a better form factor (i.e. they have a more compact surface area to floor space ratio). This is not reflected in the current SAP targets, which are based on a Notional Dwelling of the same size and shape as the Actual Dwelling. This makes

uplifting requirements for flats more difficult, as there can be limited benefits from improved fabric elements (as there is less wall area per m<sup>2</sup> of floor area) than in a house.

- 5.33 In the case of flats, NIBRAC input emphasised that communal PV arrangements are more common than individual arrays. The acceptability of wiring for PVs from individual flats to individual roof top arrays was also considered to be an issue. With this in mind, we have assumed blocks of flats could be limited to a landlord array no greater than the 11.04 kWp limits of G98 connections for cases with a three phase electrical supply. Our modelling suggests that this size of array can be used in a block of 16 flats, and still achieve a 25% uplift with minor improvements to fabric beyond the new limiting U-values. This would not be supportable if a 40% level of uplift was required.
- 5.34 It is possible that sub-blocks, if discrete from other parts of the building, may be able to each have their own supply connection and, therefore, each sub-block could operate its own 11.04 kWp array. Alternatively, some top floor flats or wall-mounted arrays may permit individual connections to flats, whilst the rest of the block benefits from the common landlord array.
- 5.35 The 'block average' route to compliance allows a whole multi-dwelling building assessment, rather than requiring each individual dwelling to comply. This will allow blocks of flats to be constructed using similar fabric (e.g. insulation thicknesses etc.) throughout the block's construction, albeit that an individual dwelling within the building may not meet the full level of performance. This flexibility provides opportunity for larger schemes to comply both in relation to the DER and limiting fabric assessments.
- 5.36 With these issues in mind, we are suggesting that the 25% uplift can be straightforwardly achieved in 90% of flats using a balance of reasonable fabric, gas (or LPG) boiler and PV arrays. We are presuming less conventional solutions, such as heat pump led proposals, may be required in the remaining larger developments blocks, where developers should have some additional resource and expertise to consider alternative options. These percentages and impact costs would seem likely to change significantly if we go beyond this 25% betterment rate for flats.
- 5.37 We have estimated the additional construction impact to be £1137/flat in capital costs for both mains gas and LPG led solutions, which we expect to be viable for 90% of flats. We have costed the 'alternative' 10% on the basis of a heat pump led solution, as a reasonable proxy for other situations (i.e. perhaps in large mono-blocks of flats, or, again where photovoltaics are not viable). Alternative solutions, such as district or communal block heating, may be equally possible but are more difficult to assess. We have estimated that a heat pump led solution would cost an

additional £4303/flat or £67/m<sup>2</sup>. This is, in part, due to the need for a hot water tank, which is an additional cost item in the smaller dwelling types.

**Q8: Do you agree that the proposed DER requirement for a 25% betterment of the TER should be applied to flats?**

- Yes
- No

**If no, should they be more onerous or less onerous? Please explain your reasoning and provide supporting evidence for alternative suggestions, taking into account that further review is planned for 2022/23 and that other building regulation proposals are likely to impact some flats.**

**Q9: Do you agree with the heat pump costing assumptions (see Annex A in the Regulatory Impact Assessment (RIA)), the 10% incident rate estimate for flats and the proposed level of uptake for heat pumps in houses, used in our modelling (see Annex C in RIA), appropriate?**

- Yes
- No

**If no, please provide the basis for an alternative rationale, which should apply.**

### **Buildings other than dwellings**

- 5.38 The proposed non-domestic building uplifts have been calibrated to take into account the 2013 uplift in England and mindful of the current Part L 2022 proposals (under review ref: *The Future Buildings Standard Consultation*<sup>5</sup>).
- 5.39 Each new version of the UK's NCM software normally provides a new Notional Building for the TER, which impacts different building types differently. For example, wall improvements impact tall buildings more than low rise, and services improvements impact more highly serviced buildings. However, a general percentage betterment proposal, of the type proposed here, applies an across-the-board uplift on all building types irrespective of size, shape or services (although our proposals do make some exception for non-domestic buildings heated with heat pumps).

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<sup>5</sup> <https://www.gov.uk/government/consultations/the-future-buildings-standard>

5.40 Table 5.1 below shows the Part L (Conservation of fuel and power) uplifts as they affected various non-domestic building types in England.

*Note:* The below table is based on an assessment of typical forms. In reality, a particular building may have quite a wide range of outcomes depending on its particular size and shape.

**Table 5.1 – Non-domestic uplifts in England<sup>6</sup>**

BUILDING TYPE	2013 9% average (as implemented) [%]	2013 20% average (not implemented) [%]	2021 Future Buildings Option 1 (22% average) [%]	2021 Future Buildings Option 2 (27% average) [%]	LOWEST Combined 2013 + 2021 FB OPT 1 [%]	HIGHEST Combined 2013 + 2021 FB OPT 2 [%]
Distribution warehouse	4.00	18.00	21.00	21.00	24.16	24.16
AC office (deep plan)	12.00	24.00	28.00	34.00	36.64	41.92
Retail warehouse	8.00	16.00	36.00	36.00	41.12	41.12
Office (shallow plan AC)	13.00	26.00			36.49	43.45
Office (shallow plan NV)			27.00	35.00		
Hotel	12.00	15.00	0.50	4.00	12.44	15.52
School	9.00	23.00	26.00	38.00	32.66	43.58
Small warehouse	3.00	14.00	Not provided	Not provided		
Photovoltaics	0.00	5.4% of floor area	20% - 40% of roof <sup>7</sup> ,	20% - 40% - of roof <sup>8</sup> ,		
Simple average	9.30	20.30	23.60	29.00	30.60	35.00

5.41 England's proposals suggest an overall average uplift of 25-40% could be viable, but not via an across-the-board 'betterment' approach. Uplifts applied this way at 25% or 40% would 'overshoot' the proposals emerging from England for some building types, (notably hotels or similar buildings; perhaps those with a high hot water heat demand). In such a case, it may be difficult to rectify the position and integrate future proposals with the new software subsequently. There is also some potential complexity if a new 'primary energy' metric is introduced, as is likely to be proposed if our Phase 3 uplift replicates England's current proposed changes. It is

<sup>6</sup> Part L 2013 Final Stage Impact Assessment, Table 2.11; The Future Buildings Standard Consultation 2021, Figure 3.1;

<sup>7</sup> 40% of roof in toplit buildings, 20% in side lit buildings – ref. para 82-84 of [draft NCM 2021](#);

<sup>8</sup> As above – Option 2 includes improved fabric and U-values (Option 2 Wall at 0.18, Floor 0.15, Roof 0.15, Windows 1.40 W/m<sup>2</sup>K) and air tightness is reduced to 3.00 m<sup>3</sup>/(hm<sup>2</sup>);

therefore, proposed to limit the non-domestic proposals to 15% to mitigate this risk.

- 5.42 The 15% betterment is considered an appropriate interim position as we await clarity on the Future Buildings review by England. It is still some way further than the current position operating in England when averaged across all non-domestic building types.

### **Heat pumps in buildings other than dwellings**

- 5.43 England's Part L 2021/22 proposals also provide a different Notional Building for new non-domestic buildings where space heating is provided with a heat pump. In these cases, the extent of PV provision anticipated is reduced in proportion of the space heating provided by heat pumps. Options 2 and 3 both reflect this position by similarly discounting the betterment where a heat pump is used to provide the building's space heating.
- 5.44 The position adopted on this relaxation for heat pumps may, therefore, be further informed by any outcome that emerges from England. The Department is conscious that reversible heat pumps are often installed with a primary focus on cooling loads, but then may subsequently be used to provide heating.

**Q10: Do you agree that the Department should make any necessary adjustment to attend to replicating the treatment of heat pumps proposed under Part L revisions in England for non-domestic buildings?**

- Yes
- No

**If no, how should the Department avoid overshooting England's requirements in this regard?**

### **Tapering of betterment requirements for taller buildings**

- 5.45 Consideration has been given to a tapered reduction of the betterment requirements for taller buildings, where there may be less space to accommodate renewables on the roof. This would have reduced the betterment levels for taller buildings, as the height increased. However, as the betterment requirements for these building types have subsequently been limited to 25% and 15% respectively, this was not considered necessary.

- 5.46 Our own modelling suggests that the G98 11.04 kWp limit might apply to buildings built with fabric at the limiting U-values when the floor space area is, perhaps, 3300 m<sup>2</sup> or so in buildings other than dwellings. Larger developments of this scale should be well placed to build in alternative solutions such as heat pumps.
- 5.47 A similar position applies to larger blocks of flats – (see paragraphs 5.31-5.37).

### **Costs for buildings other than dwellings**

- 5.48 Costs for non-domestic construction are much more difficult to establish than in the domestic sector, but the Department considers that an additional cost of £5-10/m<sup>2</sup> for fabric measures in non-domestic buildings and £4-7/m<sup>2</sup> for provision of renewable technologies (we have again assumed photovoltaic arrays) would be reasonable. This is based on approximations from England's recent Part L assessments pro-rata rated by population. There is an alternative view that fabric costs may be lower, or even negligible, as buildings are already typically achieving this level of performance. The new standards would ensure that the worst performing fabric would be brought up to this level. The Department would welcome any modelling or local cost review data responders may be able to provide on this.

**Q11: Do you have any data or modelling that would be useful in helping to assess the likely cost impacts on specific building types under the proposals?**

- Yes
- No

**If yes, please provide a summary of the information and if/how the Department may contact you to engage further.**

**Q12: Do you support the overall proposals for buildings other than dwellings, including proposed BER requirement for a 15% betterment of the TER for new non-domestic NZEB buildings?**

- Yes
- No

**If no, should the proposals be more onerous or less onerous? Please explain your reasoning and provide supporting evidence for**

**alternative suggestions, taking into account that further review is planned for 2022/23.**

### **Services in buildings other than dwellings**

- 5.49 It is proposed to amend the references in the “Publications referred to” section of TBF2 so that the 2013 edition of the *Non-domestic Building Services Compliance Guide* (NDBSCG) would apply. This change would be most relevant to replacement or upgrade situations but would also impact the backstop services efficiencies in new non-domestic buildings.
- 5.50 Minimum efficiencies of the following services to non-domestic buildings are increased under the 2013 guide:
- Minimum cooling efficiency of chillers increases from 2.5 to 2.7;
  - Initial luminaire efficacy increases from 55 to 60 lamp lumens per circuit watt; and
  - Minimum fan coil unit (FCU) specific fan power is reduced from 0.6 to 0.5 W/l/s.
- 5.51 These amendments applied in England in 2013, Wales in 2014 and Scotland from 2015 and are well established in practice and via the EU’s Ecodesign regulations. The Department is of the view that the change would be of negligible cost as these performance levels are now embedded in the product supply chain and product advice.

*Note:* Unlike SAP 2009, the current SBEM v4 software does not automatically check performance in relation to the 2010 edition of the NDBSCG; instead, designers and building control officers make their own checks. This practice (for both dwellings and buildings other than dwellings) would continue with the updated guide.

**Q13: Do you agree that adopting the 2013 edition of the Non-Domestic Building Services Compliance Guide is worthwhile and would be at negligible cost to current practice?**

- Yes
- No

**If no, please provide evidence to explain where this would be difficult or how cost assumptions should be revised.**

## Improvements to fabric

- 5.52 It is proposed that the new standards should drive progress on a 'fabric first' approach which will improve the building's energy efficiency and avoid 'green-washing' with excessive onsite renewable generating technologies. At a minimum, the proposed standards should ensure that no reduction in today's fabric standards occurs as a result of the emissions benefits that installing photovoltaics or other renewables could provide.
- 5.53 Heat losses occur through three main mechanisms around building fabric:
- heat transfer through surfaces (e.g. walls, roof, floors and windows);
  - heat transfer at junctions (linear transmittance / thermal bridging); and
  - air changes (arising from uncontrolled drafts and gaps)<sup>9</sup>.
- 5.54 Offsetting allowances between these three mechanisms is possible under England's Fabric Energy Efficiency Standard (FEES) assessment processes applicable to dwellings only. Other regions (Scotland, Wales and the Republic of Ireland), along with England's non-domestic position, do not permit this approach and instead rely on assessment of U-values to control heat transfer through surfaces only.
- 5.55 England was proposing to remove FEES under its original *Future Homes Standard* consultation proposals<sup>10</sup>, but it has changed that position and has recently consulted on the level at which they should be retained. The Department will consider FEES as part of the next uplift but does not consider that it would be viable to implement them at this stage as new legislation and software would be required.

## Heat transfer at surfaces

- 5.56 The Department proposes to address heat transfer through surfaces with improved limiting U-value requirements for walls, roofs, floors and openings in new buildings under the new guidance.
- 5.57 Data from the Register of Energy Performance Certificates ('the EPC Register') provided the following average U-values for newly constructed dwellings: Walls - 0.22 W/m<sup>2</sup>K, Floors - 0.15 W/m<sup>2</sup>K, Roofs - 0.13 W/m<sup>2</sup>K. There is some suggestion that this is somewhat better than what may be required for minimum compliance purposes currently. We have assumed the following values in the Impact Assessment for compliance currently: Walls - 0.28 W/m<sup>2</sup>K, Floors - 0.16 W/m<sup>2</sup>K, Roofs - 0.15 W/m<sup>2</sup>K.

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<sup>9</sup> Controlled ventilation is sealed in air-tightness testing arrangements.

<sup>10</sup> <https://www.gov.uk/government/consultations/the-future-homes-standard-changes-to-part-l-and-part-f-of-the-building-regulations-for-new-dwellings>

- 5.58 There are less clear-cut statistics in the non-domestic sector as EPC data on non-domestic EPCs could not be readily extracted, but reports from building control suggest average U-values for new non-domestic buildings as follows: Walls - 0.21 W/m<sup>2</sup>K, Floors - 0.21 W/m<sup>2</sup>K, Roofs - 0.16 W/m<sup>2</sup>K, Windows - 1.6 W/m<sup>2</sup>K.
- 5.59 With the above figures in mind, the Department is proposing new U-values in the tables below (replicated from Table 2.2 of the draft edition of TBF1 and Table 2.3 of TBF2). These are similar to the equivalent limiting values currently used in the Republic of Ireland.

**Table 5.2 - Limiting U-values (W/m<sup>2</sup>K); See Table 2.2 of Draft TBF1**

Elements	(a) Area weighted average U value	(b) Maximum U value at any point
Wall	0.18	0.60
Floor <sup>(1)</sup>	0.18	0.60
Roof	0.16	0.30
Party wall	0.00	0.60
Windows, roof windows, glazed rooflights, curtain walling and pedestrian doors	1.40	3.00
Note: (1) Where the source of space heating is underfloor heating, the maximum floor u-value should be 0.15 W/m <sup>2</sup> K.		

**Table 5.3 - Limiting U-values (W/m<sup>2</sup>K); See Table 2.3 of Draft TBF2**

Element	(a)	(b)
	Area weighted average U value	Maximum U value at any point
Wall	0.21	0.60
Floor – ground and exposed	0.21	0.60
Roof - pitched	0.16	0.30
Roof - flat	0.20	0.30
Party wall	0.20	0.60
Windows, roof windows, rooflights	1.60	3.00
Curtain walling	1.80	3.00
Pedestrian doors	1.60	3.00
Vehicle access and similar large doors	1.50	4.00
High-usage entrance doors	3.50	6.00
Roof ventilators (including smoke vents)	3.50	6.00
Swimming pool basin (walls and floor)	0.25	-

- 5.60 As an alternative to the elemental assessment, a whole-building area weighted U-value calculation assessment could be used. This allows a U-value for an individual element or element type to be worse than the values in the relevant table, provided it is sufficiently compensated for with improved U-values elsewhere in the building. Thus, a wall U-value of 0.21 or 0.22 W/m<sup>2</sup>K may still be acceptable in a new dwelling, if sufficient compensatory U-value improvements have been achieved elsewhere in the construction. This provides room for more cost-effective construction and we have used this option in our impact assessment assumptions. Industry engagement suggests that the ability to have some flexibility with walls is particularly important and the proposals should permit 150 mm cavity wall construction to remain practicable in most cases.
- 5.61 Industry should be on notice, however, that the next Phase 3 uplift is likely to require more substantial fabric improvements.
- 5.62 The whole-building assessment approach is similar to that already in place in the Republic of Ireland and is commonly used by local industry today in respect of extensions to buildings.
- 5.63 In dwellings, a 25% glazing limit is proposed in order to prevent excessively glazed constructions. If additional glazing is required, improved U-values

for the windows or elsewhere in the building would be required to compensate. This has been standard practice in relation to glazing and U-value calculations for extensions for many years.

- 5.64 This glazing limitation is not built into the Republic of Ireland standards, but the Department is concerned that excessive glazing in dwellings can lead to undue heat losses and/or summer gains and needs to be considered when a whole-building area-weighted U-value approach is adopted. The limitation is also expected to support uptake of window systems with improved U-value performances, particularly where more highly glazed designs are being developed.
- 5.65 The glazing limitation is not applied to non-domestic buildings, as there is a much greater range of considerations at play in these buildings. For example, certain building types will typically be more highly glazed than others, or a lower overall U-value may be appropriate where cooling loads are a dominant factor.

**Q14: Do you agree that the guidance revising the limiting U-values is worthwhile and workable for industry and enforcement?**

- Yes
- No

**If no, please explain your reasoning.**

### **Heat transfer at junctions**

- 5.66 Thermal bridging losses are a significant part of a building heat loss characteristics. These are already considered in the emissions ratings assessment so good detailing that provides continuity of insulation will help meet the overall betterment of the TER that the proposals require.
- 5.67 The proposed guidance on thermal bridging has been amended to reflect that the Accreditation Schemes anticipated under the 2012 guidance have not emerged in practice. Schemes have emerged to provide third party oversight of manufacturers' calculations of performances only and not the on-site inspection aspects anticipated at the time the guidance was developed. The draft wording points to this and is intended to reflect the reality of current practices.

**Q15: Do you agree that the revisions to guidance on thermal bridging are a helpful clarification of current processes?**

- Yes
- No

**If no, please explain your reasoning.**

### **Air permeability and ventilation**

- 5.68 The Department is proposing to remove the option for a default value of  $15 \text{ m}^3/(\text{h.m}^2)\text{@}50\text{Pa}$  being submitted on small sites for dwellings and the similar  $500 \text{ m}^2$  threshold exemption permitted for non-domestic testing. A value of  $15 \text{ m}^3/(\text{h.m}^2)\text{@}50\text{Pa}$  is likely to be an unrealistic assessment of actual performance, and given the onerous default, it is likely that increased costs for testing could be offset with construction savings elsewhere. Our review of EPC data suggests that these default value options are nonetheless being used on approximately 5.5% of assessments.
- 5.69 The Department acknowledges that a full review of Part K (Ventilation) is required, particularly in light of guidance coming forward from other administrations and to help deal with air-borne transmission of infection.
- 5.70 Revised ventilation guidance can have particular consequences where air-tightness performance of less than  $3.0 \text{ m}^3/(\text{h.m}^2)\text{@}50\text{Pa}$  is achieved, as natural ventilation is increasingly regarded as inappropriate. The Department therefore, intends to retain the maximum permissible building air tightness at  $10 \text{ m}^3/(\text{h.m}^2)$  at 50Pa with a view to substantially reducing this limit in subsequent uplifts alongside Part K (Ventilation) revisions to attend to these issues.
- 5.71 Our review of EPC data suggests that the average air-permeability for new dwellings of  $4.4 \text{ m}^3/(\text{h.m}^2)\text{@}50\text{Pa}$  is currently being achieved locally and that this reduces to  $3.8 \text{ m}^3/(\text{h.m}^2)\text{@}50\text{Pa}$  where a test has been carried out. Fewer than 1% of new buildings had an air-permeability rating of  $>8.0 \text{ m}^3/(\text{h.m}^2)$ , (excluding buildings where a default value was entered). The draft guidance has been revised to acknowledge that designers will normally aim for an assessed air permeability of  $5 \text{ m}^3/(\text{h.m}^2)$  at 50Pa or less and to encourage a default expectation of testing, rather than the sample testing basis encouraged in the current guidance.
- 5.72 The re-drafted guidance also suggests that where an air permeability of less than  $3 \text{ m}^3/(\text{h.m}^2)$  at 50Pa is a likely outcome, designers are encouraged to consider alternatives to natural ventilation, such as a continuous mechanical extract ventilation system, or to seek specialist

advice in order to ensure adequate indoor air quality. Heat recovery will further improve energy performance on mechanical systems.

**Q16: Do you agree with the removal of the default values for air-permeability of 15 m<sup>3</sup>/(h.m<sup>2</sup>) currently permitted?**

- Yes
- No

**If no, please explain your reasoning.**

**Q17: Do you agree that the overall proposed changes on fabric standards are helpful to support a 'fabric-first' approach?**

- Yes
- No

**If no, please explain your reasoning and what should be done, taking into account that any significant review may delay implementation.**

## **Other considerations**

### **New guidance on renewable generating technologies**

- 5.73 The proposed uplift under Option 2 or 3 is expected to stimulate an increase in on-site renewable generating technologies.
- 5.74 The current software assumes that all the electricity that could be potentially generated by a renewable generating technology on a building will be used usefully, either within the building, or exported. However, on some sites NIE Networks has required that new renewable generating installations should be prevented from exporting to the grid (i.e. a non-export connection) when it has not been feasible to upgrade the infrastructure to accept the excess generation. The proposed uplifts have been calibrated to be consistent with G98 export limits to help mitigate this risk and the Department is highlighting this issue to the UK government in relation to the proposed NCM and SAP software coming forward.
- 5.75 In the meantime, the draft guidance provides lines to alert designers of the need to engage with NIE Networks at an early stage and to provide notice to the building owner and district council on whether the connection is on an export or non-export basis.

5.76 The Department will continue to engage on this issue with the UK administrations and with other departments and agencies.

**Q18: Do you agree that the guidance on non-export connections is helpful?**

- Yes
- No

**If no, please explain your reasoning.**

## 6 DRAFT REGULATORY IMPACT ASSESSMENT-SUMMARY

- 6.1 A consultation stage Impact Assessment is published alongside this consultation paper. The Department has, so far, concentrated efforts on dwelling impacts as this sector accounts for the majority of new build construction and emissions. We are seeking to further develop the non-domestic assessment, which may be regarded as a relatively early stage assessment in comparison with the domestic position.

### Methodology

- 6.2 Impacts are calculated on the basis of ten years' worth of building, with benefits accruing over the subsequent 60 years, to ensure the estimated life time benefit of building fabric measures is fully accounted for. Build rates are phased in over three years and fuel use mixes are assumed (see Regulatory Impact Assessment (C.2) for further details).
- 6.3 The assessment makes a high number of assumptions (including build rates, construction prices, a lack of 'rebound' comfort taking, modelling, future energy prices etc.) which are all highly sensitive to fluctuations in reality. Nonetheless, it attempts to provide a consistent basis for comparison of options.
- 6.4 Additional photovoltaics are the predominant compliance route in our impact assessment assumptions and their maintenance and replacement expenditure anticipated over the 60 year life time assessed are included as well as construction costs increases arising directly as a result of the measures.
- 6.5 Benefits are calculated over the 60 years subsequent to build and are monetized to include
- Energy savings;
  - Air quality benefits; and
  - Carbon saving benefits.

All of these are valued in accordance with *BEIS Green Book supplementary guidance: valuation of energy use and greenhouse gas emissions for appraisal*. Other costs and benefits, such as avoidance of future retro-fit, or wider health benefits have not been assessed. (This is in keeping with other regions.)

- 6.6 For energy savings, the BEIS guidance requires savings to be valued at the discounted variable rates, rather than full savings that might be assumed to accrue to bill payers normally. This discounts 'fixed' costs which should continue to apply, such as maintaining a supply grid and tax losses (see Regulatory Impact Assessment (C.2) for further detail).

- 6.7 Values for costs and benefits are also subjected to Net Present Value (NPV) discounts in accordance with *HMT Green book*, to adjust for future value and opportunity losses. This discounts costs and benefits by 3.5% for the first 30 years, and 3.0% thereafter.
- 6.8 Construction cost will normally be borne by developers, but may be taken into account in land values, particularly where there is limited capacity for house price increases to be afforded. Maintenance and replacement costs are expected to fall to building owners (or industry leaseholders). Energy saving benefits will be accrued by bill payers, while air and carbon benefits will accrue to society generally.

## **SUMMARY OUTCOMES**

- 6.9 Table 1 provides a summary of the outcome of the Impact assessment analysis, with a significant overall Net Present Value PV of £122M benefit over the 70 year assessment period the preferred Option 3 and £32.6M for Option 2.
- 6.10 Typical outcomes for generic dwelling types are provided within Annex B of the Regulatory Impact Assessment (C.2).

**Table 6.1: Summary of total costs and benefits**

Item	Option 2 (£M)	Option 3 (£M)	Accrual years	Impacts who?
Transition costs	£0.15	£0.15	year 1	industry and enforcement
Construction costs	£164.9	£196.3	years 1-10	developers
Replacement and maintenance costs	£233.3	£278.1	years 5-70	building owners
Total costs (undiscounted)	£398.4	£474.1		
Total costs (discounted Net Present Cost)	£221.5	£253.4		
Energy savings	£508.1	£812.5	years 1-70	bill payers
Carbon savings (traded)	£12.1	£20.0	years 1-70	society generally
Carbon savings (non-traded)	£165.0	£213.1	years 1-70	society generally
Air quality savings	£42.6	£54.7	years 1-70	society generally
Total benefits (undiscounted)	£727.8	£1,100.0		
Total benefits (discounted Net Present Benefit)	£245.5	£375.4		
<b>Total value (NPV discounted)</b>	<b>£32.6</b>	<b>£121.9</b>		
Total value (NPV discounted) to industry only	-£154.0	-£185.3		

## **BUSINESS SECTORS AFFECTED**

- 6.11 The amendments impose additional burdens on developers of £165M (option 2) or £196M (option 3 - preferred) over the ten year build period.
- 6.12 Some of this will accrue back to industry from subsequent energy savings, and, if NPV rate are applied, the total cost to industry is £154M (option 2) or £185M (option 3 - preferred) over the 70 year assessment period. (Note - energy savings from dwellings are not savings for industry, whereas savings in non-domestic buildings are likely to assist another sector of industry.) These costs include the additional maintenance and replacement burdens falling to building owners (33% of new homes are assumed to be for rent).
- 6.13 Further benefits to industry, from increased activity rates in supplying and installing additional fabric and services in all sectors are not included in the assessment.
- 6.14 Energy efficiency improvements tend not to attract a sufficient premium in building sale prices to enable costs to be fully passed on to building purchasers, although this may occur to some degree. The increased construction costs are therefore likely to be taken into consideration in land price offers made by developers over the medium term. Indeed, it is possible that some of this has already occurred, as an uplift has been long anticipated (given the provision of regulation 43B in 2014) and the last meaningful uplift in the energy efficiency standards occurred some time ago in 2012. An alternative analysis would be that the construction price increase will be passed on, at least in part, in new-build price or housing supply pressures.

**Q19: Do you have any comment on our impact assessment and its key assumptions?**

- Yes
- No

**If yes, please explain your reasoning and suggest alternative calculations.**

## **7 OTHER IMPACT ASSESSMENTS**

### **Rural impact assessment**

- 7.1 Rural buildings are likely to be off gas-grid and reliant on more carbon intensive fuels (predominantly oil and LPG). For example, oil fuels currently generate approximately 30% more carbon emissions per kWh than gas. The current methodologies adjust for this and raise the TER where the more carbon intensive fuel is proposed to the extent that an oil fuelled home is currently likely to be able to be built to a standard similar to a gas fuelled home.
- 7.2 This is unlike other regions, where the 'fuel factors' which adjust the TER are set to require a better specification to take some significant account of the increased carbon content of the fuel. England's Part L 2021/22 standard proposes removing these factors altogether, making oil boilers very difficult to install. This issue will need to be confronted in future uplifts and if moving to the new software under development by the UK government.
- 7.3 The current 'fuel neutral' approach currently operating is largely retained in the proposals as this is embedded within the current software. However, as the TER for the oil or LPG building will be larger, the 15%, 25% or 40% reduction will also be commensurately larger and therefore, marginally more costly to achieve. This is illustrated in the tables in Annex B of the Regulatory Impact Assessment (C.2), where the oil home requires a slightly larger PV array to obtain the 'betterment' reduction required funded by approximately £300 of additional capital costs per house.
- 7.4 These cost impacts are considered acceptable in the context of the overall construction costs and will also apply in urban situations where the higher carbon fuel is proposed. Measures to more thoroughly address the use of higher carbon fuel factors are expected in future uplifts and this marginal step will help mitigate this later adjustment to some degree.

### **Small business impacts**

- 7.5 The cost impacts, as a percentage of current build costs, are expected to be reasonably equal in all sectors (small, medium and large developers). The uplifts have been set with a view to balancing improved performance with the evolution of widespread and commonly used technologies, with an appropriate balance in mind. Smaller developers may have less capacity to invest in adopting emergent technologies and systems, whilst developers of larger buildings and blocks of flats may need to invest in more innovative solutions where a G98 level of export application is of minimal benefit.

### **Equality impact screening**

- 7.6 A section 75 Equality Impact Assessment is included in the consultation package, with no negative impacts envisaged.

## **8. TIMING AND NEXT STEPS**

- 8.1 The Department proposes that these amendments to the guidance in Technical Booklets should come into operation as soon as possible.
- 8.2 We hope to be in a position to publish final editions of the Technical Booklets by the end of the year, with a view to coming into operation from early in 2022, or as soon as possible thereafter.
- 8.3 See Section 4 for question on timing of proposals coming into force.

### **Final question: General suggestions and observations**

**Q20: Have you any suggestions or observations that do not fit into the preceding questions?**

- Yes
- No

**If yes, please provide them with this response.**

## **Annex A - Personal Data**

The following is to explain your rights and give you the information you are entitled to under the Data Protection Act 2018.

Note that this section only refers to your personal data (your name, address and anything that could be used to identify you personally), not the content of your response to the consultation.

### **1. The identity of the data controller and contact details of our Data Protection Officer**

The Department of Finance (DoF) is the data controller. The Data Protection Officer can be contacted as follows:

Data Protection Officer  
Department of Finance  
Room 23, Dundonald House  
Upper Newtownards Road  
Belfast  
BT4 3SB

Tel: 028 9052 4961

Email: [dataprotectionofficer@finance-ni.gov.uk](mailto:dataprotectionofficer@finance-ni.gov.uk)

### **2. Why we are collecting your personal data**

Your personal data is being collected as an essential part of the consultation process, so that we can contact you regarding your response and for statistical purposes. We may also use it to contact you about related matters.

### **3. Our legal basis for processing your personal data**

The Data Protection Act 2018 states that, as a government department, DoF may process personal data as necessary for the effective performance of a task carried out in the public interest, i.e. a consultation. In addition to the statutory requirement in the Building Order to consult on building regulations matters, there is an expectation of appropriate public consultation on substantive changes to the Building Regulations.

### **4. For how long we will keep your personal data, or criteria used to determine the retention period**

Your personal data will be held for two years from the closure of the consultation.

### **5. Your rights, e.g. access, rectification, erasure**

The data we are collecting is your personal data, and you have considerable say over what happens to it. You have the right:

- a. to see what data we have about you;
- b. to ask us to stop using your data, but keep it on record;
- c. to ask to have all or some of your data deleted or corrected; and

- d. to lodge a complaint with the Independent Information Commissioner (ICO) if you think we are not handling your data fairly or in accordance with the law. You can contact the ICO at <https://ico.org.uk/>, or telephone 0303 123 1113.

**Mid Ulster District Council Response to Consultation on Proposed Amendments of Technical Booklet Guidance to Part F (Conservation of fuel and power) of the Building Regulations**

**Q1: Do you agree that it is sensible to prioritise the proposed amendments to Technical Booklets F1 and F2 guidance in advance of awaiting outcomes around the development of new UK NCMs, software and proposed building regulations uplifts?**

- **Yes**

Introduction of the Amendments should be prioritised to avoid the standards in the province falling further behind the UK

- ~~**No**~~

**If no, please explain your reasoning.**

**Q2: Do you agree that additional manual checks of current software reports will be manageable in practice to demonstrate compliance in relation to the new requirements for:**

**a) the betterment of the TER;**

**b) an air-tightness performance no greater than 10 m<sup>3</sup>/(h.m<sup>2</sup>) at 50Pa; and**

**c) new U-value limits for building fabric (see paragraph. 5.59 on this below)?**

- **Yes**

Yes, although it will be dependent on resource levels to carry out the manual checks

~~**No**~~

**If no, please explain your reasoning and provide supporting evidence or alternative solutions on what alternative assessments should be introduced.**

**Q3: Do you agree that the new guidance should apply from three months of publication of the guidance and from as early in 2022 as practicable?**

- **Yes**

- ~~No~~

If no, please explain your reasoning and provide evidence for an alternative timescale.

**Q4: Do you agree that Option 1 should be dismissed?**

- Yes
- ~~No~~

If not, please provide the evidence and basis for why the current standards are appropriate and should be retained.

**Q5: Do you agree that the above proposals provide an appropriate interim step, which can be implemented quickly?**

- Yes  
*The u-value standards and air-tightness performance are already being achieved by many builders/construction professionals.*

~~No~~

If no, should they be more onerous or less onerous? Please explain your reasoning and provide supporting evidence for alternative suggestions, taking into account that further review is planned for 2022/23.

**Q6: Do you prefer Option 3 (40% betterment of the TER for houses, 25% for flats and 15% for new non-domestic buildings), or are the standards outlined in Option 2 (25% betterment of the TER for all dwellings and 15% for buildings other than dwellings) preferred?**

- ~~Preference is for Option 1 (do nothing)~~
- ~~Preference is for Option 2~~
- Preference is for Option 3  
Preference is for Option 3, as it would more closely align the Province with the rest of UK and Ireland.
- ~~None of the above~~

**If answering ‘None of the above’, please take into account and advise if proposals described here should be delayed or halted, in order to progress in line with your suggestions.**

**Q7: Do you agree that the definition of ‘flat’ in regulation 2 provides a sufficiently clear discrimination of the building types to enable the different betterment rates to be applied to houses (40%) and flats (25%)?**

- **Yes**

It is agreed the definition of flat in Regulation 2 recognises the difference between a flat and a house.

- **No**

**If no, please explain your reasoning.**

**Q8: Do you agree that the proposed DER requirement for a 25% betterment of the TER should be applied to flats?**

- **Yes**

We agree 25% betterment rates to flats as a workable interim measure based on current electrical grid capacity limitations and the design constraints of flats as opposed to houses.

- **No**

**If no, should they be more onerous or less onerous? Please explain your reasoning and provide supporting evidence for alternative suggestions, taking into account that further review is planned for 2022/23 and that other building regulation proposals are likely to impact some flats.**

**Q9: Do you agree with the heat pump costing assumptions (see Annex A in the Regulatory Impact Assessment (RIA)), the 10% incident rate estimate for flats and the proposed level of uptake for heat pumps in houses, used in our modelling (see Annex C in RIA), appropriate?**

- **Yes**

We have no evidence-based information to offer an informed opinion on heat pump costing assumptions at present.

- **No**

**If no, please provide the basis for an alternative rationale, which should apply.**

**Q10: Do you agree that the Department should make any necessary adjustment to attend to replicating the treatment of heat pumps proposed under Part L revisions in England for non-domestic buildings?**

- **Yes**

Heat pump led solutions should significantly reduce the carbon emissions from a building. However it does have higher capital costs and higher running costs than standard oil/gas central heating. Therefore perhaps a compensatory grant scheme or similar idea should be considered to encourage designers/ end users to use such a system.

- **No**

**If no, how should the Department avoid overshooting England's requirements in this regard?**

**Q11: Do you have any data or modelling that would be useful in helping to assess the likely cost impacts on specific building types under the proposals?**

- ~~Yes~~
- **No**

We have no evidence-based data or modelling that would be useful in helping to assess the likely cost impacts on specific building types under the proposals.

**If yes, please provide a summary of the information and if/how the Department may contact you to engage further.**

**Q12: Do you support the overall proposals for buildings other than dwellings, including proposed BER requirement for a 15% betterment of the TER for new non-domestic NZEB buildings?**

- **Yes**

Yes, as an interim measure and based on information provided 15% betterment is the most appropriate level to apply across all non-domestic building types and the fact there is to be a further review in 2022/23.

- ~~No~~

**If no, should the proposals be more onerous or less onerous? Please explain your reasoning and provide supporting evidence for alternative suggestions, taking into account that further review is planned for 2022/23.**

**Q13: Do you agree that adopting the 2013 edition of the Non-Domestic Building Services Compliance Guide is worthwhile and would be at negligible cost to current practice?**

- **Yes**

We agree adopting the 2013 edition of the Non-Domestic Building Services Compliance Guide is worthwhile as it will align us with the rest of UK but have no evidence as to the additional costs over current practice

- ~~No~~

**If no, please provide evidence to explain where this would be difficult or how cost assumptions should be revised.**

**Q14: Do you agree that the guidance revising the limiting U-values is worthwhile and workable for industry and enforcement?**

- **Yes**
- ~~No~~

**If no, please explain your reasoning.**

**Q15: Do you agree that the revisions to guidance on thermal bridging are a helpful clarification of current processes?**

- **Yes**
- ~~No~~

**If no, please explain your reasoning.**

**Q16: Do you agree with the removal of the default values for air permeability of 15 m<sup>3</sup>/(h.m<sup>2</sup>) currently permitted?**

- **Yes**  
This will allow for more accurate energy performance rating of buildings.
- ~~No~~

**If no, please explain your reasoning.**

**Q17: Do you agree that the overall proposed changes on fabric standards are helpful to support a 'fabric-first' approach?**

- **Yes**
- ~~No~~

**If no, please explain your reasoning and what should be done, taking into account that any significant review may delay implementation**

**Q18: Do you agree that the guidance on non-export connections is helpful?**

**~~Yes~~**

- **No**

**If no, please explain your reasoning.**

The Building Control Officers would be dependent on Specialist Consultants with regards to guidance on non-export connections

**Q19: Do you have any comment on our impact assessment and its key assumptions?**

- **Yes**

The impact assessment has not made any reference to the impact on Building Control departments for the additional assessment time to confirm compliance, although we do acknowledge that there is currently a fees consultation on-going.

- **No**

**If no, please explain your reasoning and suggest alternatives calculations.**

**Final question: General suggestions and observations**

**Q20: Have you any suggestions or observations that do not fit into the preceding questions?**

- **Yes**

- **No**

**If yes, please provide them with this response.**

<b>Report on</b>	Consultation on Building (Prescribed Fees) (Amendment) Regulations (Northern Ireland) 2022
<b>Date of Meeting</b>	6 <sup>th</sup> December 2021
<b>Reporting Officer</b>	William Wilkinson

<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 advise Members on the Consultation forwarded by the Department of Finance, inviting a response on the proposed Amendments to the Building (Prescribed Fees) Regulations.
<b>2.0</b>	<b>Background</b>
2.1	Building Regulations apply to most building works and are principally in place to ensure the health, safety, welfare and convenience of people in and around buildings, and the conservation of fuel and power, the protection and enhancement of the environment and the promotion of sustainable development.
2.2	Building Regulations are enforced by a District Council's Building Control Officers and this primarily includes the following in relation to this function: <ul style="list-style-type: none"> <li>• Approval of plans</li> <li>• Site inspections</li> </ul>
2.3	The Prescribed fees Regulations were introduced in 1982 for relevant Building Control Applications. Before the introduction of fees, the cost of the Building Control function in District Councils were borne fully by ratepayers, rather than users of the service. The current Fees Regulations is The Building (Prescribed Fees) Regulations (Northern Ireland) 1997 (as amended) ("the Fees Regulations").
2.4	The Fee Regulations set out the level of fees that may be charged for each function. The prescribed functions include the following activities: <ul style="list-style-type: none"> <li>• Approval or rejection of plans or building notices</li> <li>• Inspection of works</li> <li>• Regularisation of unapproved work; and</li> <li>• Approval or rejection of type approval certificates</li> </ul>
2.5	In the current Fees Regulations, fees are set out in three schedules: <ul style="list-style-type: none"> <li>• Schedule 1 for one or more small domestic buildings</li> <li>• Schedule 2 for certain small buildings, extensions and alterations; and</li> <li>• Schedule 3 for all other work</li> </ul>

2.6	Since the introduction of the current fees regulations in November 1997, the fees have been amended only once in 2013 with a 20% uplift. A further 20% uplift was proposed in 2014, however this uplift did not happen due to the ongoing recession in the construction industry. Although the fees in Schedule 3 are based on estimated cost of works and have risen as prices have increased, the fees set by Schedule 1 and Schedule 2 are “fixed” and can only be changed through an amendment to the regulations
2.7	The purpose of this consultation relates to the proposals to uplift fees set by Schedules 1 & 2 of the Fees Regulations – See Appendices 4 and 5.
<b>3.0</b>	<b>Main Report</b>
3.1	Over time the fall in the cost recovery of the service in relation to work as detailed in Schedule 1 and Schedule 2 has developed between the application fees set by the Schedules and the cost to District Councils of processing the Building Control applications. This has resulted in an effective shortfall in the fees income covering the cost of enforcement activity.
3.2	Mid Ulster District Council received correspondence from Department of Finance regarding the Consultation on Building (Prescribed Fees) (Amendment) Regulations (Northern Ireland) 2022 – see Appendix 1, as well as the Prescribed Fees Consultation Proposals – see Appendix 2.
3.3	The Department of Finance has identified a need to review the Fee Regulations to ensure the level of fees charged by District Councils for carrying out the building regulation functions follows the ‘user pays principle’. This means that the person using the service meets the full cost of the service.
3.4	However to achieve this in line with fees charged by other administrations in the UK, significant uplifts would be required, in some cases more than doubling the current fee level. Both the Department and the District Councils recognise that a move to a 100% cost recovery model would therefore need to be achieved in a phased approach.
3.5	In advance of the outcome of this review, as an interim step, the Department proposes to uplift the fees by way of amendment regulations to begin to address the shortfall experienced by district councils. The proposals are as follows: <ul style="list-style-type: none"> <li>• Increase fees for both Schedules 1 and 2 by 17.5% from 1<sup>st</sup> April 2022</li> <li>• Increase fees for both Schedules 1 and 2 by a further 17.5% which would result in an overall increase of 35% from 1<sup>st</sup> April 2023.</li> </ul>
3.6	Considering that these fees have not been uplifted since 2013, it would appear that these proposals are reasonable in order to begin the process of reviewing the fees moving towards the goal of covering the cost of administering the Building Regulation function.

3.7	Based on the current average annual income of £800,000 for the Building Control function, it has been estimated that there would be an increase of approximately £50,000 in year 1 and doubling to £100,000 thereafter.
<b>4.0</b>	<b>Other Considerations</b>
<b>4.1</b>	<b>Financial, Human Resources &amp; Risk Implications</b>
	Financial: Additional fee income to the Building Control Department as detailed
	Human: Within Current Resources
	Risk Management: Within Current Resources
<b>4.2</b>	<b>Screening &amp; Impact Assessments</b>
	Equality & Good Relations Implications: N/a
	Rural Needs Implications: N/a
<b>5.0</b>	<b>Recommendation(s)</b>
5.1	It is recommended that Members consider and agree the content of the attached draft consultation response on Building (Prescribed Fees) (Amendment) Regulations (Northern Ireland) 2022 – see Appendix 3.
<b>6.0</b>	<b>Documents Attached &amp; References</b>
6.1	Appendix 1 – Correspondence regarding Consultation on Building (Prescribed Fees) (Amendment) Regulations (Northern Ireland) 2022.
6.2	Appendix 2 – Copy of Consultation Proposals for amendments to the Prescribed Fees Regulations.
6.3	Appendix 3 – The Building (Prescribed Fees) (Amendment) Regulations (Northern Ireland) 2022 response.
6.4	Appendix 4 – Current Schedule 1 of the Fees.
6.5	Appendix 5 – Current Schedule 2 of the Fees.





Buildings Standards Branch,  
Properties Division  
Enterprise Shared Services  
Goodwood House  
44-58 May Street  
Belfast BT1 4NN

Date: 25 October 2021

**Dear Consultee**

**CONSULTATION ON BUILDING (PRESCRIBED FEES) (AMENDMENT)  
REGULATIONS (NORTHERN IRELAND) 2022**

I am writing to invite you to respond to the Department's proposals to amend the Building (Prescribed Fees) Regulations (Northern Ireland) 1997 (as amended).

The Building Regulations (Northern Ireland) Order 1979 places a duty on a district council to "enforce building regulations in its district" and authorises "*district councils to charge prescribed fees for or in connection with the performance of prescribed functions of theirs relating to building regulations*".

The current Building Regulations, the Building Regulations (Northern Ireland) 2012 (as amended), control certain building work and are made principally to: secure the health, safety, welfare and convenience of people in and around buildings; further the conservation of fuel and power; and further the protection and enhancement of the environment and promotion of sustainable development. The Building Regulations currently comprise 16 'Parts', each covering a specific subject area although interrelations exist. The Regulations come into play for building work, typically involving:

- erection of a building
- alterations or extension of a building
- a material change of use of a building
- provision, alteration or replacement of services or fittings

The current fees payable to councils for this building control function are set out in the [Fees Regulations – the Building \(Prescribed Fees\) Regulations \(Northern Ireland\) 1997](#), as amended by the [Building \(Prescribed Fees\) \(Amendment\) Regulations \(Northern Ireland\) 2013](#). In these Regulations, the fees are set out in three schedules:

- Schedule 1 for one or more small domestic buildings;
- Schedule 2 for certain small buildings, extensions and alterations; and
- Schedule 3 for all other work

While the fees listed in Schedule 3 are based on the estimated cost of work, the fees in Schedules 1 and 2 are prescribed, or fixed and can only be changed by an amendment to the Regulations. Since the introduction of the Fees Regulations in 1997, they have only been amended on one occasion, in 2013.

Over the years, there has been an increasing disparity in the cost to councils of processing building control applications and the fees for work falling into Schedules 1 and 2 of the Fees Regulations. It is important that district councils are properly resourced to carry out their enforcement role. At present, ratepayers are subsidising councils' building control functions. Significant uplifts would be required to fully cover the cost of providing this service and to apply a 'user pays' principle.

As an interim measure, the Department proposes to make a two-stage uplift to most of the Schedule 1 and 2 fees, as follows

- April 2022 – 17.5% uplift in fees
- April 2023 – a further uplift that would increase fees by 35% against current fees

There are some types of work where the current fees meet councils' costs so these would not be subject to increases at this stage.

The proposed increases would be taking place in the context of a wholesale review of the Fees Regulations, with the aim of applying a 'user pays' principle across the range of prescribed fees, resulting in full cost recovery by councils. As well as seeking your views on the proposed uplifts in Schedule 1 and 2 fees, the Department is taking the opportunity in this consultation to ask for your views on the Fees Regulations in general, to feed into the review process.

The full package of consultation documents is available on the Departmental website <https://www.finance-ni.gov.uk/consultations> and includes the following: -

- Consultation Proposals; and
- Consultation Draft Regulatory Impact Assessments for the proposed changes, outlining the main issues, giving an assessment of the benefits of the proposed amendments and an estimate of the principal costs of the proposals;

The proposed amendment/update has been screened out of equality impact assessment requirements. The equality impact screening assessment will be published on the Departmental Website with the consultation proposals.

The Rural Needs Act (NI) 2016 requirements should not be adversely impacted. A Rural Needs Impact assessment will be published on the Departmental Website with the consultation proposals.

## Responding to this consultation

Should you wish to respond to the consultation, I would encourage you to use the on-line facility on the Citizen Space portal, at:

<https://consultations.nidirect.gov.uk/dof/prescribed-fees-2022>.

A hard copy or copy in an alternative format may be obtained by telephoning

028 9025 7048 or by emailing [info.bru@finance-ni.gov.uk](mailto:info.bru@finance-ni.gov.uk)

I look forward to receiving your comments and views on the proposals contained in this consultation package.

The Department will consider all responses to this consultation received on or before the **closing date, which is Sunday 19 December**. *(It is important to note that submissions made after this date cannot be considered.)*

Where respondents have given permission for their response to be made public, and after we have checked that they do not contain personal information or product names, responses will be made available to the public at <https://www.finance-ni.gov.uk/publications>

Information provided in response to this consultation, including personal data will be published or disclosed in accordance with the access to information regimes. If we receive a request for disclosure of confidential information, we cannot give an assurance that confidentiality can be maintained in all circumstances.

If you have any comments about the consultation process itself (rather than the content of the document) these should be directed to the consultation co-ordinator at the postal or e-mail address above.

Yours faithfully



**DC McDonnell**

Director of ESS Properties Division

## **Building (Prescribed Fees) (Amendment) Regulations (Northern Ireland) 2022**

### **Consultation Proposals**

**(closing date for the receipt of responses is 19 December 2021)**

**October 2021**

## 1. BACKGROUND

- 1.1. The Department of Finance ("the Department") has responsibility for maintaining the building regulations in Northern Ireland.
- 1.2. Building Regulations apply to most building work and are made generally to ensure the health, safety, welfare and convenience of people in and around buildings, to further the conservation of fuel and power, to protect and enhance the environment and to promote sustainable development.
- 1.3. The current building regulations are The Building Regulations (Northern Ireland) 2012 (as amended), (the Building Regulations) and were made using powers provided in the Building Regulations (Northern Ireland) Order 1979 (as amended) ("the Order").
- 1.4. The Order places a duty on a district council to "enforce building regulations in its district" (*article 10(1)*) and clarifies that a district council has "to ascertain after taking all reasonable steps in that behalf, (that) the requirements of building regulations as to matters of any prescribed description are satisfied in any particular case" (*article 13 (2)(c)*).
- 1.5. Building regulations are enforced by a district council's building control Officers and this includes:
  - Approval of plans – If you intend to erect, alter or extend a building, to install services, fittings or works to a building, or to materially change the use of a building, you must first seek approval to do so from your district council. This may involve the submission of plans or (for certain domestic applications) a building notice to your local building control Office; and
  - Site Inspections – the Building Regulations set a number of statutory notifications requiring the applicant to notify the district council when certain stages of work have been reached so that, if appropriate, an inspection of the works by a building control officer may be undertaken. A number of additional inspections appropriate to the type of development may be undertaken.
- 1.6. The Order also authorises "district councils to charge prescribed fees for or in connection with the performance of prescribed functions of theirs relating to building regulations" (*article 13(2)(e)*).

## PRESCRIBED FEES

- 1.7. Prescribed fees were introduced locally for applications for building regulations approvals in 1982. Before the introduction of fees, the cost of the building control function in district councils here was borne fully by ratepayers, rather than users of the service.
- 1.8. The Building (Prescribed Fees) Regulations (Northern Ireland) 1997<sup>1</sup> (as amended) ("the Fees Regulations") sets out the prescribed functions for which a district council may charge a fee in relation to applications for building regulations approvals for the construction, renovation or alteration of buildings. The regulations also set the level of fee that may be charged for each

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<sup>1</sup> [Building \(Prescribed Fees\) Regulations \(Northern Ireland\) 1997](#) amended by [Building \(Prescribed Fees\) \(Amendment\) Regulations \(Northern Ireland\) 2013](#)

function. Other activities undertaken by building control (including other building regulations activities) are rate borne.

1.9. The prescribed functions are:

- approval or rejection of plans or building notices;
- inspection of works;
- regularisation of unapproved work; and
- approval or rejection of type approval certificates

1.10. In the current Fees Regulations, fees are set out in three schedules to the regulations:

- Schedule 1 for one or more small domestic buildings;
- Schedule 2 for certain small buildings, extensions and alterations; and
- Schedule 3 for all other work.

## 2. INTRODUCTION TO CONSULTATION PROPOSALS

2.1. The purpose of this consultation is to obtain comments and views of interested parties on proposals to uplift fees set by Schedules 1 & 2 of the Fees Regulations.

2.2. Since their introduction in November 1997, the Fees Regulations have only been amended on one occasion, by the Building (Prescribed Fees) (Amendment) Regulations (Northern Ireland) 2013.<sup>2</sup> Although the fees for applications under Schedule 3 are based on the estimated cost of works and have risen as prices have increased, the fees set by Schedule 1 and Schedule 2 are “fixed” and can only be changed through an amendment to the regulations.

2.3. Over time a “drift” in the relationship between the application fee set by Schedules 1 & 2 and the cost to district councils of processing building control applications has occurred. This has resulted in major shortfalls in the fees income covering the cost of enforcement activity for the work set out in Schedule 1 and Schedule 2, as a result the ratepayer is subsidising this service.

2.4. The Department has therefore identified a need to review the Fees Regulations to ensure that the level of fees charged by district councils for undertaking prescribed functions in respect of the building regulations follows the ‘user pays principle’. This means that the person using the building control service meets the full cost of that service. However, to achieve this in line with the fees charged in other administrations in the UK, significant uplifts would be required, in some cases more than doubling the current fee level. Both the Department and district councils recognise that a move to a 100% cost recovery model where the user pays for the service would therefore need to be achieved in a phased approach.

**Question 1: Would you support a move to a 100% cost recovery model, where the user pays the full cost incurred by councils of processing building control applications rather than ratepayers subsidising the service?**

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<sup>2</sup> <http://www.legislation.gov.uk/nisr/2013/60/contents/made>

**Question 2: Are there any other aspects of the Fees Regulations you feel should be included in the review?**

2.5. In advance of the outcome of this review, as an interim step, the Department proposes to uplift the fees by way of amendment regulations to begin to address the shortfall experienced by district councils.

### 3. CONSULTATION PACKAGE – CONTENT AND RESPONSE

- 3.1. This consultation has been issued by the Department of Finance, which has responsibility for maintaining the Building Regulations for Northern Ireland. This document, together with the other consultation documents, is available online at:

<https://www.finance-ni.gov.uk/consultations>

The consultation documents are:

- Consultation Document
- Regulatory Impact Assessment (Draft for Consultation)

- 3.2. Prior to making any amendment to building regulations, the Department undertakes consultation with the Northern Ireland "Building Regulations Advisory Committee and such other bodies as appear to the Department to be representative of the interests concerned" (article 5(4) 1979 Order).
- 3.3. The Committee has been consulted on the proposals. It is proposed that this consultation will satisfy the above duty in relation to other bodies for the two increments of fee increases identified in Section 4.
- 3.4. We look forward to receiving your comments and views concerning any of the proposals contained in this consultation. We ask you to exercise care and refrain from the inclusion of any potentially defamatory material as it is our intention to publish responses on the Departments website. We will not publish the names or contact details of respondents, but will include the names of organisations responding.

We would encourage you to respond to the consultation using the on-line facility on [Citizen Space](#), accessible via NI Direct.

Your opinions are valuable to us. Thank you for taking the time to read this document and respond.

- 3.5. If you require a hard copy of this consultation document or have any other enquiries please email your request to [info.bru@finance-ni.gov.uk](mailto:info.bru@finance-ni.gov.uk) or you can write to us at:

Consultation Co-ordinator  
Department of Finance  
Building Standards Branch  
6th Floor  
Goodwood House  
44 - 58 May Street  
Belfast  
BT1 4NN

The Department will consider all the responses to this consultation received on or before the closing date, which is 19 December 2021.

***Submissions made after this date cannot be considered.***

## NEXT STEPS IN THE CONSULTATION PROCESS

- 3.6. Where respondents have given permission for their response to be made public, and after we have checked that they do not contain personal information or product names, responses will be made available to the public at <https://www.finance-ni.gov.uk/publications> If you use the consultation hub, citizen space to respond, you will receive a copy of your response via email.
- 3.7. We may also make responses to this consultation available to the Northern Ireland Assembly and for public inspection at the Building Standards Branch office.
- 3.8. Following the closing date, all responses will be analysed and the Department will publish a summary of responses to the consultation.
- 3.9. All information will be handled in accordance with the General Data Protection Regulations.

## CONFIDENTIALITY AND DATA MANAGEMENT

- 3.10. If you ask for your response to be regarded as confidential and not to be published, you will be asked to explain to us why you regard the information you have provided as confidential.
- 3.11. Information provided in response to this consultation, including personal data (see Annex A), will be published or disclosed in accordance with the access to information regimes (These are primarily the Freedom of Information Act 2000 (FOIA), the Data Protection Act 2018 (DPA), the EU General Data Protection Regulation, and the Environmental Information Regulations 2004. If we receive a request for disclosure of confidential information, we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances.
- 3.12. The Department of Finance will process your personal data in accordance with the law and in the majority of circumstances this will mean that your personal data will not be disclosed to third parties. A full privacy notice is included at Annex A.

Are you satisfied that this consultation has followed the Consultation Principles? If not or you have any other observations about how we can improve the process please contact us at [info.bru@finance-ni.gov.uk](mailto:info.bru@finance-ni.gov.uk) or write to the following address:

Building Standards Branch  
Department of Finance  
6th Floor  
Goodwood House  
44 - 58 May Street  
Belfast  
BT1 4NN

## 4. FEES AMENDMENT REGULATIONS – PROPOSALS

- 4.1. This section outlines the Department's proposed alterations to the Fees Regulations to take account of the need to bring the fees closer to covering the cost of enforcement.
- 4.2. Schedules to the Fees Regulations set out the actual amount payable for each type of building control application. Currently, there are three Schedules, each of which addresses a particular type of application:

- Schedule 1 - fees for the erection of one or more small domestic buildings;
- Schedule 2 - fees for certain buildings, extensions and alterations; and
- Schedule 3 - fees for work other than work to which Schedules 1 & 2 apply.

Schedules 1 & 2 set out pre-determined fees relevant to the type of application, whereas the applicable fee for Schedule 3 work is determined on a sliding scale based on the estimated cost of the work in question.

- 4.3. As the pre-determined fee charges for Schedule 1 and Schedule 2 building work applications have not been amended since 2013 – the first amendment since 1997 - the Department considers that a revision of these charges is necessary to address the cost to district councils of providing prescribed functions (paragraph 3.2). However, the Department views this as an interim measure ahead of the review of the Fees Regulations, with a view to achieving a fairer system which covers in full the cost of enforcement of the Regulations by the District Councils.
- 4.4. Provided all statutory stages are concluded and Ministerial and Assembly approvals received, the Department proposes that the fee charges outlined below would apply in two increments, the first when the Fees Amendment Regulations come into operation on 1 April 2022, and the second increment applying from 1 April 2023.
- 4.5. The application of fees for dwellings with a floor area not exceeding 250m<sup>2</sup> is set out in Schedule 1. Tables 1 and 2 to this Schedule establish the "plan fee" charges for dwellings and provide discounts for multiple plan types and for applications containing multiple dwellings. Table 3 sets the "inspection fee" for dwellings and provides for discounts where a development contains more than one dwelling.
- 4.6. The Department proposes to increase Schedule 1 fees by 17.5% in the first increment. The second increment would result in an overall increase in Schedule 1 fees by 35% against current fees. Revised Tables 1, 2 and 3 showing the effect of both increments are included in Annex A.

**Question 3:** Do you agree with the Department's proposals to increase fees for Schedule 1 by 17.5% from 1<sup>st</sup> April 2022?

**Question 4:** Do you agree with the Department's proposals for a further increase in Schedule 1 fees from 1<sup>st</sup> April 2023 that would result in an overall increase of 35% on these fees as they are now?

4.7. The Department proposes to increase Schedule 2 fees (works for certain buildings, extensions and alterations) by up to 17.5% in the first increment. The second increment would increase Schedule 1 fees by up to 35% against current fees. For certain types of work the fee has been reduced or the increase has been capped to ensure the fee charged does not exceed the cost to the district council of providing that service. The revised Schedule 2 charges are provided in Annex B.

**Question 5: Do you agree with the Department's proposals to increase fees for Schedule 2 by 17.5% from 1st April 2022?**

**Question 6: Do you agree with the Department's proposals for a further increase in fees from 1st April 2023 that would result in an overall increase of 35% on these fees as they are now?**

#### **DRAFT REGULATORY IMPACT ASSESSMENT**

4.8. The Department intends to publish a consultation stage DRAFT Regulatory Impact Assessment (RIA) alongside this consultation paper

**Question 7: Do you agree with the analysis/principal assumptions, costs and impacts set out in the Draft RIA**

**Schedule 1 Fees for one or more small domestic buildings**
**Table 1. Dwelling type plan fee**

Number of dwelling plan types	Dwelling type plan fee (£)	
	(effective April 2022)	(effective April 2023)
1	105.75	121.50
2	197.40	226.80
3	289.05	332.10
4	380.70	437.40
5	472.35	542.70
6	564.00	648.00
7	655.65	753.30
8	747.30	858.60
9	838.95	963.90
10	930.60	1,069.20
11	1,018.73	1,170.45
12	1,106.85	1,271.70
13	1,194.98	1,372.95
14	1,283.10	1,474.20
15	1,371.23	1,575.45
16	1,459.35	1,676.70
17	1,547.48	1,777.95
18	1,635.60	1,879.20
19	1,723.73	1,980.45
20	1,811.85	2,081.70
Thereafter for each additional plan type	82.25	94.50

**Schedule 1 Fees for one or more small domestic buildings**
**Table 2. Multiple dwelling additional fee**

Number of dwellings	Additonal fee (£)	
	(effective April 2022)	(effective April 2023)
1	-	-
2	56.40	64.80
3	112.80	129.60
4	169.20	194.40
5	225.60	259.20
6	267.90	307.80
7	310.20	356.40
8	352.50	405.00
9	394.80	453.60
10	437.10	502.20
11	462.95	531.90
12	488.80	561.60
13	514.65	591.30
14	540.50	621.00
15	566.35	650.70
16	589.85	677.70
17	613.35	704.70
18	636.85	731.70
19	660.35	758.70
20	683.85	785.70
Thereafter for each additional dwelling	14.10	16.20

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**Schedule 1 Fees for one or more small domestic buildings**


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**Table 3. Inspection fee**

Number of dwellings	Inspection fee (£)	
	(effective April 2022)	(effective April 2023)
1	246.75	283.50
2	479.40	550.80
3	712.05	818.10
4	944.70	1,085.40
5	1,177.35	1,352.70
6	1,382.98	1,588.95
7	1,588.60	1,825.20
8	1,794.23	2,061.45
9	1,999.85	2,297.70
10	2,205.48	2,533.95
11	2,369.98	2,722.95
12	2,534.48	2,911.95
13	2,698.98	3,100.95
14	2,863.48	3,289.95
15	3,027.98	3,478.95
16	3,157.23	3,627.45
17	3,286.48	3,775.95
18	3,415.73	3,924.45
19	3,544.98	4,072.95
20	3,674.23	4,221.45
Thereafter for each additional dwelling	129.25	148.50

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## Schedule 2 Fees for certain small buildings, extensions and alterations

Table to Schedule 2 (effective April 2022)

Type of work	Amount of plan fee	Amount of inspection fee	Amount of building notice	Amount of regularisation fee
1. Erection of a detached building which consists of a garage or carport or both having a floor area not exceeding 40m <sup>2</sup> in total and intended to be used in common with an existing building, and which is not a building specified in Schedule 1 to the principal regulations.	98.70	-		118.44
2. Installation of an unvented hot water storage system in accordance with regulation 88 of the principal regulations, where the installation is not part of a larger project and where the district council carries out an inspection.	70.50	-	70.50	84.60
3. Any extension of a dwelling (not falling within entry 6) the total floor area of which exceeds 20m <sup>2</sup> , including means of access and work in connection with that extension. <sup>1</sup>	141.00	-	141.00	169.20
4. Any extension of a dwelling (not falling within entry 6) the total floor 20m <sup>2</sup> but does not exceed 40m <sup>2</sup> , including means of access and work in connection with that extension.	70.50	141.00	-	253.80
5. Any extension of a dwelling (not falling within entry 6) the total floor 40m <sup>2</sup> but does not exceed 60m <sup>2</sup> , including means of access and work in connection with that extension.	84.60	169.20	-	304.56
6. Any extension or alteration of a dwelling consisting of the provision of one or more rooms in the roof space, including means of access. <sup>1</sup>	84.60	169.20	253.80	304.56
7. Replacement of an existing combustion appliance in a dwelling	84.60	-	84.60	101.52
8. Installation or extension of a heating system in a dwelling	113.24	-	113.24	135.89
9. Installation of a microgeneration technology in or on an existing dwelling	113.24	-	113.24	135.89

<sup>1</sup> a building notice may not be given for building work to an existing dwelling that –

(a) increases the floor area of the dwelling by more than 10m<sup>2</sup>; or

(b) creates a new storey with a floor area of more than 3m<sup>2</sup>.

(regulation 9, the Building Regulations (Northern Ireland) 2012)

## Annex B

### Schedule 2 Fees for certain small buildings, extensions and alterations

**Table to Schedule 2 (effective April 2023)**

Type of work	Amount of plan fee	Amount of inspection fee	Amount of building notice	Amount of regularisation fee
1. Erection of a detached building which consists of a garage or carport or both having a floor area not exceeding 40m <sup>2</sup> in total and intended to be used in common with an existing building, and which is not a building specified in Schedule 1 to the principal regulations.	113.40	-		136.08
2. Installation of an unvented hot water storage system in accordance with regulation 88 of the principal regulations, where the installation is not part of a larger project and where the district council carries out an inspection.	81.00	-	81.00	97.20
3. Any extension of a dwelling (not falling within entry 6) the total floor area of which exceeds 20m <sup>2</sup> , including means of access and work in connection with that extension. <sup>1</sup>	162.00	-	162.00	194.40
4. Any extension of a dwelling (not falling within entry 6) the total floor 20m <sup>2</sup> but does not exceed 40m <sup>2</sup> , including means of access and work in connection with that extension.	81.00	162.00	-	291.60
5. Any extension of a dwelling (not falling within entry 6) the total floor 40m <sup>2</sup> but does not exceed 60m <sup>2</sup> , including means of access and work in connection with that extension.	97.20	194.40	-	349.92
6. Any extension or alteration of a dwelling consisting of the provision of one or more rooms in the roof space, including means of access. <sup>1</sup>	97.20	194.40	291.60	349.92
7. Replacement of an existing combustion appliance in a dwelling	84.93	-	84.93	101.92
8. Installation or extension of a heating system in a dwelling	113.24	-	113.24	135.89
9. Installation of a microgeneration technology in or on an existing dwelling	113.24	-	113.24	135.89

<sup>1</sup> a building notice may not be given for building work to an existing dwelling that –

(c) increases the floor area of the dwelling by more than 10m<sup>2</sup>; or

(d) creates a new storey with a floor area of more than 3m<sup>2</sup>. (regulation 9, the Building Regulations (Northern Ireland) 2012)



## **Mid Ulster District Council Response to Consultation on Building (Prescribed Fees)(Amendment) Regulations (Northern Ireland)**

**Q1. Would you support a move to a 100% cost recovery Model, where the user pays the full cost incurred by councils of processing building control applications rather than ratepayers subsidising the service?**

**Yes**

The Council would be supportive of a move to achieving 100% cost recovery. If it is the intention of the Department that Building Control achieve 100% cost recovery the Council would request the Department to consider a mechanism to uplift Fees in line with inflation on a yearly basis rather than as at present reviewing the fee scales on an 'ad hoc' basis with years between reviews.

Fees have not incrementally increased over time and Regulations have changed considerably, fees currently do not cover anywhere close to the proportion of prescribed functions they were originally established to.

It is anticipated and accepted, Ratepayers will continue to subsidise a significant proportion of other Building Control functions such as administration and enforcement of legislation with Dangerous Structures, Energy Performance of Buildings, Postal Numbering and Street naming etc.

The Council would request the Department to review all aspects of 'fee exemptions' if the intent is to achieve 100% cost recovery. As many 'fee exempt' applications require assessment and inspection on site, which is currently ratepayer borne.

**Q2. Are there any other aspects of the Fees Regulations you feel should be included in the review?**

**Yes**

While the Council supports the proposed increases in Fees the Council notes the following:

- The proposals are for a 2 phase uplift. Previous experience has shown that while the 1<sup>st</sup> phase has been adopted and implemented the 2<sup>nd</sup> phase was never implemented. The Council would seek reassurances from the Department that both phases will be implemented.
- The Council was given to understand that a complete overhaul of the Fees Legislation was to be undertaken by the Department and considers these proposals to amend Schedules 1 & 2 as an interim solution only. The Council would ask the Department to give an undertaking that it will completely review the Fees Legislation and set out a timetable for providing new consultation proposals for consideration.

- The Council would request the Department to review all aspects of 'fee exemptions' if the intent is to achieve 100% cost recovery. As many 'fee exempt' applications require assessment and inspection on site, which is currently ratepayer borne.

**Q3. Do you agree with the Department's proposals to increase fees for Schedule 1 by 17.5% from 1<sup>st</sup> April 2022?**

**Yes**

However, this would be conditional on assurances being given on the approval of this increase in 2022 and that this is followed by the further increase proposed for 2023 with a definite timeline given for a total review of the fees legislation and implementation of new legislation within a 5 year period from now and provided that the end result achieves a 100% cost recovery model at that time.

The Council is supportive of any increase to close the gap to 100% cost recovery. However, the proposals do not consider the cumulative additional work associated with the proposed amendments to guidance in Parts E & F which are/have been consulted on and which are likely to be introduced within the year 2022/2023.

**Q4. Do you agree with the Department's proposals for a further increase in Schedule 1 fees from 1<sup>st</sup> April 2023 that would result in an overall increase of 35% on these fees as they are now?**

**Yes**

The Council is supportive of the second uplift and understands the need to introduce these uplifts in 2 phases rather than as a single larger uplift. However, would seek assurances from the Department that the proposed second uplift will be implemented in 2023. It is the Council's view that this second uplift should be termed as a 'minimum uplift' and that the impact of the amendments introduced during the year should be reviewed and factored in to this second uplift. It is noted that amendments to R will not impact on Schedule 1.

**Q5. Do you agree with the Department's proposals to increase fees for Schedule 2 by 17.5% from 1<sup>st</sup> April 2022?**

**Yes**

The Council is supportive of any increase to close the gap to 100% cost recovery. See also comments given in response to Q3.

**Q6. Do you agree with the Department's proposals for a further increase in Schedule 2 fees from 1<sup>st</sup> April 2023 that would result in an overall increase of 35% on these fees as they are now?**

**Yes**

The Council is supportive of the proposed second uplift. However, would seek assurances from the Department that the proposed second uplift will be implemented in 2023. See also comments to given in response to Q4.

**Q7. Do you agree with the analysis/principal assumptions, costs and impacts set out in the draft RIA?**

**Yes**

The Council would comment as follows;

- The RIA assumptions are based on maintaining the 'status quo' and do not consider Amendments being introduced over the next 2-3 years.
- The Council is also aware that the Department is in the early stages of consulting on a Northern Ireland equivalent of the Building Safety Programme with a range of stakeholders including Building Control which will have a major impact on the Councils' Building Control Department. As the Fees Legislation as it is currently constituted only covers a limited number of Building Control functions as outlined in Paragraph 1.9 of the consultation document the Council would ask the Department to consider how the impacts of the Building Safety programme is to be funded given its aim of Building Control achieving 100% cost recovery. To this end the Council would ask the Department to completely review the Fees Legislation and widen the scope of the Legislation to consider such aspects of the Service being or to be provided that is outside that of the functions outlined in paragraph 1.9.

## Appendix 4

### Schedule 1 Fees for small domestic buildings (dwellings) not exceeding 3 stories and less than 250 square metres in area

#### **Single dwelling:**

Plan fee £90.00

Inspection fee £210.00

#### **Two or more dwellings:**

The 'plan fee' is the sum of the amount shown in column 2 of Table 1 relating to the number of dwelling plan types **plus** the amount shown in column 2 of Table 2 relating to the total number of dwellings.

The 'inspection fee' is the amount shown in column 2 of Table 3.

**TABLE 1**

(1) No. of Dwelling Plan Types	(2) Dwelling Type Plan Fee (£)
1	90
2	168
3	246
4	324
5	402
6	480
7	558
8	636
9	714
10	792
11	867
12	942
13	1017
14	1092
15	1167
16	1242
17	1317
18	1392
19	1467
20	1542

**TABLE 2**

#### **PLAN FEE**

(1) No. of Dwellings	(2) Additional Fee (£)
1	-
2	48
3	96
4	144
5	192
6	228
7	264
8	300
9	336
10	372
11	394
12	416
13	438
14	460
15	482
16	502
17	522
18	542
19	562
20	582

**TABLE 3**

#### **INSPECTION FEE**

(1) No. of Dwellings	(2) Inspection Fee (£)
1	210
2	408
3	606
4	804
5	1002
6	1177
7	1352
8	1527
9	1702
10	1877
11	2017
12	2157
13	2297
14	2437
15	2577
16	2687
17	2797
18	2907
19	3017
20	3127

Thereafter for each additional  
plan type £70

Thereafter for each  
additional dwelling £12

Thereafter for each  
additional dwelling £110

**Note:**

Where the floor area of a dwelling exceeds 250 m<sup>2</sup> fees are calculated in accordance with the estimate of cost (see schedules).

## **Appendix 5**

### **Schedule 2 Fees for certain small buildings, extensions and alterations**

Type of Work	Amount of Plan Fee (£)	Amount of Inspection Fee (£)	Amount of Regularisation Fee (£)
Column 1	Column 2	Column 3	Column 4
1. Erection of a detached building which consists of a garage or carport or both having a floor area not exceeding 40m <sup>2</sup> in total and intended to be used in common with an existing building and which is not a building specified in schedule 1 to the principal regulations.	84	Nil	100.80
2. Installation of an unvented hot water system in accordance with regulation 88 of the principal regulations where the installation is not part of a larger project and where the district council carry out an inspection.	60	Nil	72.00
3. Any extension of a dwelling (not falling within entry (6) the total floor area of which does not exceed 20m <sup>2</sup> including means of access and work in connection with that extension.	120	Nil	144.00
4. Any extension of a dwelling (not falling within entry (6) the total floor area of which exceeds 20m <sup>2</sup> but does not exceed 40m <sup>2</sup> including means of access and work in connection with that extension.	60	120	216.00
5. Any extension of a dwelling (not falling within entry (6) the total floor area of which exceeds 40m <sup>2</sup> but does not exceed 60m <sup>2</sup> including means of access and work in connection with that extension.	72	144	259.20
6. Any extension or alteration of a dwelling consisting of the provision of one or more rooms in the roof space including means of access .	72	144	259.20
7. Replacement of an existing combustion appliance in a dwelling.	72	Nil	86.40
8. Installation or extension of a heating system in a dwelling.	120	Nil	144
9. Installation of a microgeneration technology in or on an existing dwelling.	120	Nil	144



<b>Report on</b>	Live Here Love Here Small Grants Scheme
<b>Date of Meeting</b>	6 <sup>th</sup> December 2021
<b>Reporting Officer</b>	Fiona McClements

<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 Mid Ulster District Council (MUDC) Live Here Love Here (LHLH) programme by highlighting the outputs and outcomes of the programme including the small grant programme.
1.2	To advise Members of the request for funding to continue for the next three years, from April 2022 until the end of March 2025.
1.3	To explore whether MUDC wishes to increase their contribution into the small grants programme managed by LHLH.
<b>2.0</b>	<b>Background</b>
2.1	Mid Ulster District Council contributes to the Live Here Love Here campaign which with other funding partners supports a campaign to encourage responsible behaviours to improve the environmental standards across the Mid Ulster District Council area and across NI. MUDC contributes £21,000 p.a., 50% of which is returned into the MUDC area through a small grants programme.
<b>3.0</b>	<b>Main Report</b>
3.1	<p>There are a number of key strands to LHLH which include:</p> <ul style="list-style-type: none"> <li>The volunteer programme supports groups in their environmental improvements through "Adopt A Spot". There are currently 60 "Adopt A Spot" groups across Mid Ulster and this year Live Here Love Here secured additional funding from DAERA to purchase and distribute 500 new Adopt A Spot kits, some of which will be available in MUDC area.</li> <li>The Small Grants Scheme supports groups focusing their efforts on pollution solutions, climate action and biodiversity recovery. New programmes to tackle plastics and textile waste have been proving popular and there is also a new offer of Carbon Literacy training, a first for Northern Ireland, which launched in October 2021. The amount of grant funding returned into MUDC is 50 % of the funding total, i.e. £10,500 however this is additionally supplemented by funding from other organisations as outlined in Appendix 1. The small grants programmes aim to improve the quality of the local environment through effective and innovative ways to reduce littering</li> </ul>

3.2	<p>and dog fouling, enhance the environmental management of a local area, contribute to the development of civic pride within a community with the focus on environmental improvement. They also aim to improve the health and wellbeing of communities whilst helping to improve and/or maintain public spaces, and encourage actions and projects that enable Pollution Solutions, Biodiversity Recovery and Climate Action.</p> <ul style="list-style-type: none"> <li>• As discussed previously the small grants amount can be increased separately with a management cost of 12% if MUDC wishes to expand the funding in this area. The small grants information is available at Appendix 1 and for noting there have been 22 out of 57 funding applications successfully obtaining funding.</li> <li>• An important part of the programme has been the media campaign featuring the 'Ragin' Al' puppet, who, love him or loathe him, has continued to catch the imagination of the public across Northern Ireland. A refreshed outdoor advertising campaign took 'Ragin' Al' into the local high street as well as on to TVs during prime-time slots.</li> <li>• There have been bespoke billboards in the MUDC area with anti-littering messaging.</li> </ul> <p>Mid Ulster District Council have been asked to continue to support the LHLH campaign for another 3 years (2022-2025) at the same annual budget of £21,000 p.a. £10,500 of which returns into supporting MUDC communities through the Small Grants Scheme. Details are contained within Appendix 2.</p>
4.0	<b>Other Considerations</b>
4.1	<p><b>Financial, Human Resources &amp; Risk Implications</b></p> <p>Financial: £21,000 p.a. each year for 3 years. Additional contributions can be made to extend the small grants programme with a management fee of 12%.</p> <p>Human: N/a</p> <p>Risk Management: N/a</p>
4.2	<p><b>Screening &amp; Impact Assessments</b></p> <p>Equality &amp; Good Relations Implications: N/a</p> <p>Rural Needs Implications: N/a</p>
5.0	<b>Recommendation(s)</b>
5.1	Members are asked to note the content of the report.
5.2	It is recommended that the £21,000 p.a funding is continued for another 3 years, 50% of which comes back into MUDC through a small grants programme.

5.3	Consideration to be given to putting in place additional contributions to the small grants programme as raised previously when putting in place the Clean Neighbourhood Programme.
<b>6.0</b>	<b>Documents Attached &amp; References</b>
6.1	Appendix 1 – Mid Ulster District Council small grants programme information
6.2	Appendix 2 – LHLH correspondence



# Changing the world – one project at a time



## Small Grants Scheme

The Live Here Love Here Small Grants Scheme takes a fresh approach to improving our local environment and building a sense of pride in our local communities.

Over £1 million

has been allocated across Northern Ireland since 2014



57 applications received	
22 projects funded	
£122,221 amount requested	
£12,900 amount awarded by council	
£3,100 additional funding by partners	

Mid Ulster District Council data for 2021-2022



“The project has been a great success and thanks to the support shown our group has been able to improve the quality of the local environment, help reduce litter in the local area, develop the environmental management of the village, instil civic pride by bringing people together with a common goal and improve health & well-being of the local community by encouraging gardening activities.

Newmills now has an interested, dedicated and enthusiastic team of community members of all ages and abilities making a difference to their local area and contributing to looking after our important wildlife species.”

NEWMILLS CULTURAL GROUP

“Our project has been going well. We are preparing our beds and collecting seeds from our wildflowers to sow again in January. The weather has been so mild we have lots of late flowers! Our community space has shelter for the birds and as we now put out our bird feeders, the autumn leaves and their colours are stunning. The youth group and other user groups love to sit outside and have their lunch and listen to the birds and watch the clouds pass by. Our community space makes us thankful for the nature around us so we have ongoing litter picks and we want to see less rubbish lying around our rural roads and neighbourhood. “

TAMNAMORE COMMUNITY DEVELOPMENT ASSOCIATION



## Rural Community Pollinator Grants

39 applications received	
£350,614 amount requested	

## Media campaign

87%	of Northern Ireland TV audience
58%	prompted awareness of Live here Love Here brand
3.7m+	YouTube impressions
812k	Facebook reach



“I’ve been seeing these ads for over a year now and they still crack me up, ads with a hilarious great puppet character!”



“It’s great to be involved in this, as a childminder I think it’s important to teach children they anyone can grow their own healthy food. Our pots line the driveway (right) so parents can follow progress too and pick bits to take home for dinner.”

VICKY SEVIOUR-CROCKETT

“At Sunflower Support (left), it is our aim to be able to make a difference in the lives of people with an additional need and their carers. Being part of this programme has enabled us to help nourish the body, mind and soul of our families by providing them with the tools and the skills in order to become more confident in taking steps to be more self sufficient.”

SHAUNA SCULLION  
Sunflower Support



“Green fingers Hughie has worked very hard on the garden and growing plants to inspire others in the fold to take part (left). They miss the pupils and the pupils miss them.”

CLARE DEVLIN  
St. Colm’s High School  
Cornstore Youth Club & Ballinascreen Fold – a multi-generational project

Mid Ulster District Council



October 2021

**RE: Live Here Love Here**

Dear Adrian,

I hope this finds you well. I know how hard you and your colleagues across local government have been working to provide consistent service to your ratepayers through some of the most difficult times any of us can remember.

So many things are still uncertain; however one thing has been made abundantly clear throughout the pandemic, and that is the high value local people attribute to the public realm – the places and spaces that have provided us all with much needed respite during lockdowns and which have been central to our wellbeing. Across Northern Ireland people are realising that our streets, our beaches, our community gardens, our public benches and our floral displays really matter...because they make people feel better. When the world outside looks like someone cares for it, then the people in our communities feel better cared for too.

We're very proud of the work that Live Here Love Here has carried out during the past year to support dedicated volunteers in Mid Ulster District Council. It couldn't have happened without your financial support, which provides the essential match funding to enable us to draw down Department of Agriculture, Environment and Rural Affairs (DAERA) funding and other investor funding for the Live Here Love Here programme.

Local volunteers in your area may not have been able to carry out their transformative projects without the support – financial, practical and advisory – of the Live Here Love Here programme. And that programme depends on its partnership with you.

I know that budgets are tight everywhere at the moment, but I hope that the attached impact report will show you that Live Here Love Here represents a strong return on investment. And I think it's worth saying that while the local government purse may have shrunk in recent times, the same cannot be said for the imagination and enthusiasm of local volunteers when it comes to environmental issues. There is a growing appetite among the volunteers we engage with daily, to do more, to be more ambitious and to find ways to make a difference. As COP 26 dominates the news agenda we find that people increasingly want to get involved in small projects in their own communities. They tell us that doing so makes them feel less powerless in the face of the global environmental challenge. Environmental motivation combined with civic pride is a powerful combination and is something which I think all councils should consider an investment priority.

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I will, of course, be providing a detailed financial update to your staff. I've also attached an impact infographic with this letter, giving you the topline facts, figures and stories from your local community. And just to remind you; here are the main Live Here Love Here programmes running in your area:

The **volunteer programme** supports groups at all different stages of their environmental efforts, from one-off clean ups with BIG Spring Clean to creating healthier communities through Adopt A Spot. There are currently 60 Adopt A Spot groups in Mid Ulster and this year Live Here Love Here secured additional funding from DAERA to purchase and distribute 500 new Adopt A Spot kits, some of which will be available in your Council area.

The **Small Grants Scheme** supports groups focusing their efforts on: **pollution solutions, climate action** and **biodiversity recovery**. New programmes to tackle plastics and textile waste have been proving popular and there is also a new offer of Carbon Literacy training, a first for Northern Ireland, which launched in October 2021.

An important part of the programme has been the national media campaign featuring our 'ragin' Al' puppet, who, love him or loathe him, has continued to catch the imagination of the public across Northern Ireland. You will have no doubt seen bespoke billboards in your council area and Live Here Love Here messaging has been running consistently over various media sources since last March. Since this high-profile campaign started in 2015 there has been a three-fold increase in recall and awareness and the number of people surveyed who said the campaign had made them "very likely" to think twice about dropping litter, doubled in the past year. Thanks to your investment and the support of other partners we've sustained this high impact communications campaign across the local print media as well as UTV, Channel 4 and Sky TV. A refreshed outdoor advertising campaign took 'Ragin' Al' into people's local high street as well as on to their TVs during prime-time slots achieving:

- \*87% coverage if NI TV audience
- \*39% unprompted awareness of Live Here Love Here brand
- \*Over 3.7m YouTube impressions
- \*Facebook reach of 812,000 individuals

Across your council area, Live Here Love Here funded 22 projects to a total expenditure of £16,000 and we've received 39 applications worth £350,614 which just goes to show that ratepayers in Mid Ulster have a strong and growing desire to drive forward environmental improvements in their own neighbourhoods. Local people are willing to put in the work if their local council and other public bodies hold out a hand in partnership. In summary, this means for every £1 invested into the grants by your council Live Here Love Here will, depending upon the pollinator grant judging outcomes, potentially add up to a further £22.

### **Your Continued Support is vital...**

Please consider putting in place a new three-year agreement (2022-2025) to continue to support your community through our programmes; this will require the same annual budget of £21,000 as previously. Don't forget that half (£10,500) of the Council's investment goes straight back into supporting your community through the Small Grants Scheme. The latest Cleaner Neighbourhoods Report found that street cleansing cost £29.07 per ratepayer in Mid Ulster in 2020. Continued investment in Live Here Love Here can deliver tangible benefits helping Councils make savings in areas such as street cleansing that currently drain large budgets.

I look forward to hearing from you and in the meantime, thank you for your time.

Yours Sincerely,

A handwritten signature in dark ink, appearing to read 'Ian Humphreys', with a stylized, cursive script.

Dr Ian Humphreys  
Chief Executive

cc. Fiona McClements; Mark McAdoo; Emma Stewart; Anne Caldwell

<b>Report on</b>	Changes to payment for trading at the Cookstown Market
<b>Date of Meeting</b>	6 <sup>th</sup> December 2021
<b>Reporting Officer</b>	Fiona McClements

<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	This report details changes to the method of payment for traders at the Saturday Cookstown market.
<b>2.0</b>	<b>Background</b>
2.1	Mid Ulster District Council purchased the Cookstown Market Rights in April 2021. These rights allow a market to take place every Saturday in the town centre. Market traders have for many years set up their stalls in and around the William Street / James Street areas of the town. The market rights predate the street trading legislation, and trader's trade on a more informal basis and not under the street trading legislation.
<b>3.0</b>	<b>Main Report</b>
3.1	There are no reserved pitches at the Saturday Market. No one has a right to any particular pitch, and Council do not allocate pitches. Pitches are secured on a first come first served basis. However, a number of traders have traded at roughly the same location for a number of years.
3.2	Historically the previous Markets Right's owner charged pitch rates between £10 and £25 depending on the size of the trading stall. The pitch rates remain unchanged.
3.3	Council has employed a Markets Officer to collect the fee every Saturday morning and issue a receipt that gives the stallholder the right to trade that day. The traders have historically paid their pitches in cash. Since October 2021, the Council has rolled out a cashless system for the collection of fees. The Markets Officer accepts payments each Saturday via bankcard through the Council's handheld device. This system was chosen because it was felt to be the safest and most convenient method of payment for both traders and Council staff.
3.4	The feedback from this has been generally positive, with the numbers paying by this method increasing every week. However, a number of traders have complained that they cannot make payment by this method. At present Council still accepts payments by cash, but the aim is to move to a cashless system.

3.5	To accommodate those traders who do not wish to pay the Markets Officer each Saturday by card, an alternative cash payment system could be considered as a transitional measure. This is likely to involve an upfront payment for a set period, for example per calendar month with the trader paying in advance for the pitch at one of the Council Offices. A trading receipt for the period in question would be issued. This receipt is for the 'right to trade' on a Saturday during this period but does not give any guarantee of a space as the market is operated on a first come, first served basis. The trader will need to produce this receipt each Saturday in order to trade but it is hoped that all traders will move to the card system paying directly on each trading day.
3.6	Given the additional administration costs, there will be no refunds for any Saturday that the trader does not attend the market. For traders who still wish to pay by cash on the day such as "one –off" traders it is requested that an additional administration fee is applied in addition to the pitch rates. It is requested that an administration fee of £5 is added to cash payments taken on the day.
<b>4.0</b>	<b>Other Considerations</b>
<b>4.1</b>	<b>Financial, Human Resources &amp; Risk Implications</b>
	Financial: There may be an increased administration cost incurred in processing receipts from traders who wish to pay upfront for their pitches at the Council Offices.
	Human: There is the potential for a greater administrative burden for those wishing to pay upfront and on site with cash.
	Risk Management: In order to ensure safety of Council staff it is important that payments are moved to a totally cashless system as soon as possible.
<b>4.2</b>	<b>Screening &amp; Impact Assessments</b>
	Equality & Good Relations Implications: N/a
	Rural Needs Implications: N/a
<b>5.0</b>	<b>Recommendation(s)</b>
5.1	It is recommended that members note the movement to cashless payment, and agree the upfront method of payment in advance for right to trade and the additional administration fee for cash payments made at the market.
<b>6.0</b>	<b>Documents Attached &amp; References</b>
6.1	Appendix 1 – Letter issued to traders over cashless payment.



Comhairle Ceantair  
**Lár Uladh**  
**Mid Ulster**  
District Council

Email: [environmentalhealth@midulstercouncil.org](mailto:environmentalhealth@midulstercouncil.org)

REF: CB/LR/21.10.21

21<sup>st</sup> October 2021

Dear Trader,

**Re: Saturday Market, Cookstown- Payment for Trading allocation.**

You will be aware from discussions with the Markets Officer from Mid Ulster District Council that payments each Saturday can be made via bankcard through the Council's handheld device.

A cashless system is being rolled out with all the stall owners for the collection of fees. Your support for this new system would be appreciated and as from next Saturday this is the preferred method of payment. In the event that you do not own a bankcard then please contact the office and we can explore other options for prior payments.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'Conor Breslin'.

Conor Breslin  
Principal Environmental Health Officer  
(Environmental Protection & Dog Control)



<b>Report on</b>	Stakeholder Feedback invited on the Drinking Water Inspectorate's report: Drinking Water Quality in Northern Ireland, 2020
<b>Date of Meeting</b>	6 <sup>th</sup> December 2021
<b>Reporting Officer</b>	Fiona McClements

<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 inform Members of the on the Drinking Water Inspectorate (DWI) annual report on Drinking Water Quality in Northern Ireland 2020 and to seek Members' comments and approval of draft consultation response to provide stakeholder feedback on the report.
<b>2.0</b>	<b>Background</b>
2.1	The DWI annual report on Drinking Water Quality in Northern Ireland 2020 was published by the Northern Ireland Environment Agency in September 2021.
2.2	In Northern Ireland over 99% of the population receive their drinking water from Northern Ireland Water Limited (NI Water). The remainder is served by private water supplies. This report provides an independent assessment of drinking water quality of both public and private supplies for the calendar year 2020.
<b>3.0</b>	
3.1	The Drinking Water Inspectorate (DWI) recently published their annual report on <a href="#">Drinking Water Quality in Northern Ireland, 2020</a> . The report is attached at Appendix 1.
3.2	Safe, clean drinking water is critical for our health and wellbeing. This has been particularly important during the COVID-19 pandemic, when handwashing has been vital and the criticality of front line health services was, and continues to be to the fore. Many businesses were closed but others, e.g. food producers, increased production, placing additional demands on supplies.
3.3	Overall public drinking water quality for 2020 remained high with 99.94% compliance, a slight increase from 2019 (99.90%). Compliance at private water supplies was 99.24%, a slight decrease from 2019 (99.29%).
3.4	A comparison of compliance with 2019 is difficult in light of necessary changes to sampling regimes due to COVID-19 restrictions. Compliance is normally assessed at the consumers' tap, and in 2020 NI Water requested permission from DWI to use zonal sampling points as access to dwellings was restricted and many businesses were closed. Through collaboration with NI Water, DWI approved the

	use of zonal sampling points. This enabled an effective regulatory monitoring regime to continue to ensure the protection of public health and maintain public confidence in the mains water supply.
3.5	As well as domestic properties, a number of commercial businesses and public buildings such as food producers, hospitals and health care premises use a private drinking water supply. DWI worked with business owners and local council staff to ensure, where sampling could not be undertaken at private supplies that effective risk management was in place to protect public health. As businesses prepared to re-open, DWI published operational guidance and worked to ensure all premises were sampled prior to opening. The revised private water supplies monitoring programme was delivered in full. Environmental Health staff carry out sampling of private water supplies on DWI's behalf.
3.6	The Drinking Water Inspectorate are now inviting recipients of the report to provide feedback so that they can ensure that it meets the needs of the stakeholders who utilise the information contained within it.
3.7	The consultation runs until the 30 <sup>th</sup> November 2021 and is available online: <a href="https://consultations.nidirect.gov.uk/daera/stakeholder-feedback-on-dwi-water-quality-report/">https://consultations.nidirect.gov.uk/daera/stakeholder-feedback-on-dwi-water-quality-report/</a> . A response to the survey has been drafted by Environmental Health and due to the consultation deadline this has been forwarded on behalf of Environmental Health, see Appendix 2. The Drinking Water Inspectorate would appreciate feedback so that they can improve their engagement with Council departments and ensure that future publications are suitable for Council's requirements.
<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: N/a
	Rural Needs Implications: N/a
<b>5.0</b>	<b>Recommendation(s)</b>
5.1	To note the content of the report and to approve the feedback to DWI on the Drinking Water Quality in Northern Ireland 2020 report.
<b>6.0</b>	<b>Documents Attached &amp; References</b>
6.1	Appendix 1 – Drinking Water Quality in Northern Ireland Report 2020
6.2	Appendix 2 – Draft Stakeholder Feedback on the Drinking Water Inspectorate Annual Report for Drinking Water Quality in Northern Ireland, 2020

# Drinking Water Quality in Northern Ireland, 2020

A Report by the Drinking Water Inspectorate for Northern Ireland



*Sustainability at the heart of a living, working, active landscape valued by everyone.*



Northern Ireland Environment Agency

# Drinking Water Quality in Northern Ireland, 2020

A Report by the Drinking Water Inspectorate for Northern Ireland

**Published by Northern Ireland Environment Agency  
September 2021**

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## Foreword

I am pleased to present the 25th annual report on the quality of drinking water in Northern Ireland. The Drinking Water Inspectorate's (DWI's) primary role is to protect public health through effective drinking water regulation.

In Northern Ireland over 99% of the population receive their drinking water from Northern Ireland Water Limited (NI Water). The remainder is served by private water supplies. This report provides an independent assessment of drinking water quality of both public and private supplies for the calendar year 2020.

Safe, clean drinking water is critical for our health and wellbeing. This has been particularly important during the COVID-19 pandemic, when handwashing has been vital and the criticality of front line health services was, and continues to be to the fore. Many businesses were closed but others, eg food producers, increased production, placing additional demands on supplies.

As well as the COVID-19 response, NI Water dealt with increased domestic usage due to people working from home and as a result of the hot weather. NI Water staff worked tirelessly to ensure water quality was maintained and to keep customers in supply by maintaining water treatment works, the distribution network and critical laboratory services. We collaborated with NI Water to ensure that water quality was maintained, whilst its workforce was protected. I want to take this opportunity to commend the company on its response to the COVID-19 pandemic.

Overall public drinking water quality for 2020 remained high with 99.94% compliance, a slight increase from 2019 (99.90%). Compliance at private water supplies was 99.24%, a slight decrease from 2019 (99.29%).

A comparison of compliance with 2019 is difficult in light of necessary changes to sampling regimes due to COVID-19 restrictions. Compliance is normally assessed at the consumers' tap, and in 2020 NI Water requested permission from DWI to use zonal sampling points as access to dwellings was restricted and many businesses were closed. Through collaboration with NI Water, DWI approved the use of zonal sampling points. This enabled an effective regulatory monitoring regime to continue to ensure the protection of public health and maintain public confidence in the mains water supply. Overall there was a shortfall in sampling for 2020.

Also in 2020, collaboration with all stakeholders progressed to inform NI Water's capital investment programme for PC21 (Price Control 2021-2027). DWI supported NI Water's request for support to improve water quality at nine water treatment works requiring capital investment. The Utility Regulator's (UR) Final Determination for PC21 was published on 13 May 2021.

As well as domestic properties, a number of commercial businesses and public buildings such as food producers, hospitals and health care premises use a private drinking water supply. DWI worked with business owners and local council staff to ensure, where sampling could not be undertaken at private supplies that effective risk management was in place to protect public health. As businesses prepared to re-open, DWI published operational guidance and worked to ensure all premises were sampled prior to opening. The revised private water supplies monitoring programme was delivered in full and I congratulate everyone involved in this achievement.

I trust you will find this report interesting, and a useful insight into drinking water quality in Northern Ireland.



**Catriona Davis**  
**Chief Inspector of Drinking Water**  
**September 2021**

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## Executive Summary

This is the 25<sup>th</sup> report in a series published by the Drinking Water Inspectorate in Northern Ireland, acting in our role as the drinking water quality regulator for both public and private water supplies.

The report provides an independent assessment of the quality of drinking water provided by NI Water Limited (NI Water). It also presents details of the quality of private water supplies for which we have a regulatory responsibility and undertake a monitoring programme.

## COVID-19

As we all know the impact of COVID-19 has been unprecedented. The provision of vital services has been critical in responding to the pandemic. The provision of safe, secure, adequately funded drinking water supplies has been and continues to be vital to our health and well-being; the provision of front line services; supporting industry including the agri-food sector; and economic recovery. More detailed impacts of COVID-19 are outlined in the specific sections of the Report.

## Public Water Supplies

Each year NI Water implements a comprehensive programme of monitoring to assess and verify that the public drinking water supply meets stringent regulatory standards on quality. A number of key tests are conducted on samples collected from water treatment works; service reservoirs; and consumers' taps. In 2020, the COVID-19 restrictions meant that samples could not be collected at consumer taps and DWI issued an Information Letter (I/L 02/2020). This advised NI Water on the approach it should adopt in relation to consumer tap sampling, where access to properties was not possible and where the quality would be representative of that received by the consumer. NI Water also implemented its Analytical Services Contingency Plan, to manage the risk to its own staff, whilst ensuring that the necessary analyses could be conducted to verify the quality of the water supplied.

In 2020 the overall public drinking water compliance remained consistently high at 99.94%, slightly higher than 2019 (99.90%). The 0.06% non-compliance relates to 59 tests that failed to meet the required standard. Surrogate compliance at consumers' taps, measured through zonal sampling in 2020 also remained high at 99.91%, slightly higher than 2019 (99.84%). However, of the 43 regulatory parameters tested, nine did not achieve full compliance. Those parameters failing to meet full compliance were: Nickel, Aluminium, Iron, *Clostridium perfringens*, Enterococci, Taste, Odour, Coliform bacteria, and Pesticides – individual (MCPA).

The parameter with the lowest reported compliance in 2020 was Nickel at 97.50%. Although nickel may occur naturally in some ground waters, it is rarely found in the mains water supply. The main source of nickel is from the metal leaching from modern taps and other plumbing fittings.

Aluminium compliance dropped from 99.40% in 2019 to 99.29% in 2020, representing a five year low. Operational issues at water treatment works can often give rise to aluminium contraventions, which may later result in contraventions at consumers' taps due to disturbance of deposits in the distribution system.

Contraventions of microbiological parameters may indicate a failure in the treatment process or a breach in the integrity of the water supply system. An overall microbiological compliance figure at consumers' taps was reported in 2020 of 99.94% compared to 99.86% in 2019. Coliform bacteria were detected in four samples, and *Clostridium perfringens* and Enterococci both detected in one sample each. The improved compliance recorded for 2020 should be interpreted in light of the changes to sample location from the consumer tap to a fixed point in the water supply zone, considered to be representative of the water supply received by the consumer. There were a number of metals not analysed for, that would be specific to consumer tap compliance, which may have contributed to the overall increased compliance recorded. The inability to monitor for these parameters at consumer taps resulted in a shortfall in sampling for 2020.

All contraventions must be investigated by NI Water, and may in some cases be traced to distribution systems in domestic dwellings or within public buildings. In 2020, three reported contraventions related to internal plumbing systems in domestic properties, namely: two Coliform bacteria and one nickel. NI Water investigated the cause of the contraventions and issued letters to consumers advising them of the contraventions and offering appropriate advice to protect public health. One reported contravention related to odour in a public building.

The total number of water quality events (Annex 2) that occurred in 2020 was lower than in 2019, with 38 events reported to us by NI Water. Of these, we categorised one as Major, three as Serious, 24 as Significant, three as Minor and seven as Not Significant.

The Major event related to the impact of the COVID-19 pandemic on NI Water. Whilst this was outside the control of NI Water, the company response was critical to ensuring the continued protection of public health through the provision of safe, clean drinking water and the ongoing regulatory sampling and analysis to enable the consumer to have confidence in the public water supply. DWI worked closely with NI Water in ensuring the regulatory monitoring was fulfilled as far as possible, and commend the company in the contingencies it implemented in a very short time frame. Of the three Serious events, one related to chlorinous taste and odour following over dosing of chlorine at Fofanny Water Treatment Works (WTW), one to very high network demand in May / June 2020 and the other one to discoloured water following an issue at High Tober Service Reservoir (SR). Nineteen of the 24 Significant events reported related to ten water treatment works and were primarily related to difficulties with the treatment process or a lack of effective treatment relating to aluminium, *Cryptosporidium*, individual pesticides (MCPA), iron, odour and taste, and turbidity contraventions. Where *Cryptosporidium* was detected in drinking water, NI Water sought advice from the Public Health Agency (PHA), however the detections were not of sufficient concern to put restrictions in place. The other five Significant events occurred in distribution and related to discoloured water following operational work at Tullybrannigan South SR; water quality issues following the operation of Ballybriest SR at a very low level; aluminium contraventions following a burst on the Ards trunk main; loss of supply and low pressure after a burst on the Breda trunk main; and aluminium and iron contraventions after Slimero SR was operated at a low level. As part of the event assessment process, NI Water is required to implement mitigations as identified in its risk assessments for the management of its drinking water supplies. This ongoing evaluation should reduce the likelihood of similar future events.

To enable us to evaluate consumer confidence in the quality of drinking water, we receive information relating to consumer concerns and complaints from NI Water. In 2020, 65.1% of contacts related to the visual appearance, a slight increase from 2019 (63.9%). The total

number of consumer contacts reported in 2020 was 5993 compared to 5661 in 2019, an increase of 5.9%.

Where necessary, we take enforcement action (Annex 4), to secure remedial action within specified timeframes. In 2020, one Provisional Enforcement Order (PEO) issued under The Water and Sewerage Services (NI) Order 2006 was closed following the completion of works at Castor Bay WTWs to achieve compliance with the odour standard. Three Notices were issued by DWI against NI Water under The Water Supply (Water Quality) Regulations (Northern Ireland) 2017 (the Regulations). Two were in relation to the individual pesticide MCPA contraventions at Derg WTW and Ballinrees WTWs and one in relation to taste and odour contraventions at Ballinrees WTWs.

NI Water recently announced the commencement of the largest ever drinking water capital investment programme at Derg WTW (£12m). This is designed to achieve compliance with the requirements of the Notice issued by DWI in relation to ongoing contraventions of the regulatory limit for the individual pesticide MCPA.

## Private Water Supplies

The same drinking water quality standards apply for private water supplies as for the public water supply. Although less than 1% of the population receives water from a private supply, many more are exposed to them through their use in both commercial activities and public buildings. A number of premises in Northern Ireland that have a private supply also have a mains supply. Private supplies are used as an alternative to, or in conjunction with the public supply for a range of activities including food processing, holiday accommodation, and public buildings, including hospitals and care homes. A number of private water supplies are in use for economic reasons.

During 2020 our private water supply sampling programme monitored 175 sites, with seven new sites being registered during that period. Samples at private water supplies are collected by Environmental Health staff, acting on our behalf.

Overall compliance for 2020 is reported as 99.24%, a slight decrease from 99.29% reported for 2019. The regulatory requirements were not met on 114 occasions for 21 parameters, namely: Coliform bacteria, Enterococci, *E. coli*, *Clostridium perfringens*, Hydrogen ion (pH), Manganese, Sodium, Iron, Nickel, Boron, Turbidity, Copper, Lead, Sulphate, total Trihalomethanes (THMs), Mercury, Nitrite, Fluoride, Chloride, Individual Pesticides (total Atrazine, Metribuzin and Phenanthrene), and Radon.

Full compliance was achieved for 64% (112 sites) of the private water supplies tested in 2020. Of the 63 sites which did not comply with the regulatory standards, 33% (21 sites) contravened microbiological standards; 54% (34 sites) chemical standards; and 13% (eight sites) failed to comply with both microbiological and chemical standards.

The presence of micro-organisms in a private water supply is indicative of contamination of the water either at source or at some point within the distribution system. In particular, the detection of *E. coli* or enterococci bacteria specifically indicates faecal contamination of a water supply and can be a risk to public health. These faecal indicators were found to be present in 12 supplies during 2020; eight small shared domestic supplies with no treatment and four

commercial / public supplies, two of which had disinfection treatment in place at the time of sampling.

Iron and manganese continue to be chemical parameters with a high incidence of non-compliance at private supplies. In 2020, 15 sites were found to have contraventions for either iron or manganese or both. There were three pesticide contraventions identified at private water supplies in 2020, one each for Atrazine, Phenanthrene and Metribuzin. Atrazine is no longer approved for use in the UK or Europe.

All contraventions at private water supply sites are investigated and action taken dependent on the severity of the failure. In 2020, of the 114 contraventions identified, 60 (47 microbiological; 13 chemical) were notified to the PHA for health advice; resulting in new restrictions on water usage at 11 sites to protect public health.

We continue to work with owners and users of private water supplies and Environmental Health staff to ensure the risk assessment of private water supply sites is progressed to bring the remaining supplies into compliance. Priority is given to advancing improvements in water quality through provision of advice and guidance, agreeing action plans (particularly at the larger commercial / public sites) and promotion of drinking water safety plans for the ongoing management of these supplies. However where necessary we may take formal action to secure compliance to ensure a safe, clean supply of drinking water from private supplies.

## Looking Forward

The challenge of ensuring the provision of safe, clean, sustainable drinking water supplies into 2021 and beyond continues.

Planning for NI Water's next price control process (PC21), commenced in 2019 and a considerable amount of work was invested by all stakeholders throughout 2020 in identifying the priorities for investment by NI Water over the period 2021-2027. DWI played a key role in assessing the nine applications made by NI Water for support in capital investment programmes at WTWs designed to improve water quality. On consideration of the applications, all nine were supported by DWI and the Utility Regulator allocated the appropriate funding for these projects in its Final Determination which was published on 13 May 2021. We will continue to work alongside NI Water, the Utility Regulator, the Department for Infrastructure and the Consumer Council as well as our Northern Ireland Environment Agency (NIEA) colleagues in monitoring the PC21 investment programme. This will ensure NI Water progresses the approved programmes to improve water quality and protect public health. We acknowledge the financial constraints within NI Water's funding model and support the need for sufficient long term funding to ensure public health protection and economic development. We must ensure that the provision of safe, clean drinking water remains a key priority for NI Water.

We will ensure NI Water fully implements effective risk management throughout its network to meet regulatory requirements, with necessary mitigations and action plans identified to protect public health.

The Long Term Water Strategy for Northern Ireland, sets out key targets to maintain and improve drinking water quality, and DWI will continue its work with all stakeholders in the delivery of these goals.

Protecting the catchments from which water is abstracted not only improves the raw water quality and reduces potential contamination risks, it can also reduce the need for additional treatment. We will continue to work with colleagues in the NIEA and NI Water, in implementing the third cycle of the River Basin Management Plans (RBMPs). We will also work within this process in promoting the ongoing management of drinking water protected areas (DWPAs) and safeguard zones. We will continue to be represented on the Project Board for the 'Source to Tap' Interreg VA funded project focusing on the management of the Derg and Erne catchments.

We will continue to be a statutory consultee through NIEA in relation to the planning process in Northern Ireland, ensuring potential impacts to drinking water, particularly for private water supplies are addressed and working in collaboration with NI Water to ensure public water supplies are not put at risk from development.

Further development of our risk assessment application for private water supplies will continue to be taken forward in 2021 through support for users and continuing the delivery of training and the provision of technical guidance to local council staff. This more consistent approach to risk assessment will facilitate effective risk management at these drinking water supplies and provide the foundation for a review of the processes for the regulation of private water supplies.

DAERA's key priorities going forward are COVID-19 recovery, EU Transition and Green Growth. DWI plays a key role, as all activities undertaken by the Department, from farming, food production, and environmental regulation all impact on the quality of the raw water sources used for both our public and private drinking water supplies. The provision of adequate water supplies is highlighted within the Draft Rural Policy Framework and DWI endeavour to commence a scoping exercise in 2021/22 into the quality and sufficiency of private water supplies in rural areas. This will assist in informing future policy in this area and is a key objective of the larger Water Reform Programme within NIEA.

As the UK has left the EU, we need to ensure collaboration with our UK colleagues and all stakeholders to ensure the continued protection of public health through effective regulation of drinking water continues for future generations.



## Part 1

### Drinking Water Quality

- Overall drinking water quality compliance remains high at 99.94% (Overall microbiological compliance: 99.96%) \*
  - Water quality at consumers' taps remains high at 99.91% compliance (Microbiological compliance at consumers' taps: 99.94%) \*
  - Nine parameters did not achieve full compliance at consumers' taps
  - Nickel was the parameter with the lowest consumer tap compliance at 97.50%
  - Discoloured water is still the main issue of concern to consumers
- \* Sampling at consumer taps was significantly impacted by the COVID-19 pandemic in 2020. This may have contributed to the increase in consumer tap compliance and hence overall compliance compared to previous years.

NI Water is a government-owned company with responsibility for supplying and distributing public drinking water throughout Northern Ireland.

### Drinking Water Quality Testing

During 2020, NI Water sampled drinking water across Northern Ireland to test for compliance with the standards in The Water Supply (Water Quality) Regulations (Northern Ireland) 2017. The regulations require sampling programmes to be in place to ensure that water quality is monitored at: water treatment works (WTWs); service reservoirs (SRs); supply points<sup>1</sup>; and consumers' taps in water supply zones (WSZs). A summary of the number of sites that were in service in 2020 is shown in Table 1.1.

In 2020, 91,581 tests were carried out for a range of different parameters. A description of each parameter and its regulatory limit (or prescribed concentration or value [PCV]) is available on our [website](#).

**Table 1.1: Number of sites in service in 2020**

Sites	No. in service
Water treatment works	24
Service reservoirs	287
Supply points <sup>1</sup>	24
Water supply zones	51

### Sampling and Analyses Frequencies

NI Water is required to meet specified sampling frequencies in demonstrating the wholesomeness of drinking water supplies. We undertake an assessment of these requirements throughout the water supply chain: at WTWs; SRs; and WSZs.

During 2020, we identified a shortfall of 7,922 individual tests. The shortfall occurred at Consumer Taps in Water Supply Zones due to the COVID-19 sampling restrictions. This represents a non-trivial sampling and analyses shortfall for 2020. However, this was previously agreed with DWI and so we will not be taking any action in relation to this shortfall.

<sup>1</sup> a point, other than a consumer's tap, authorised for the taking of samples for compliance with the Regulations

## Overall Drinking Water Quality

Compliance with the standards is important as contraventions may indicate a failure in the treatment process or a breach in the integrity of the water supply system which could pose a potential risk to human health. It also ensures that water quality meets aesthetic standards and is acceptable to consumers.

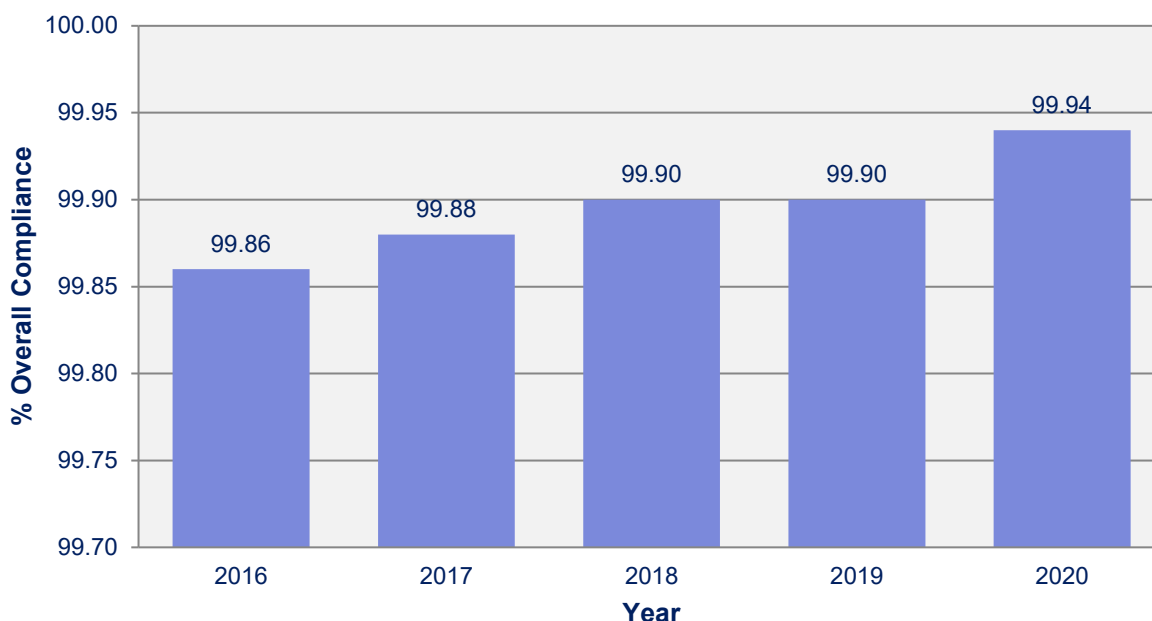
Of the 91,581 tests we used to assess overall compliance, 59 (0.06%) contravened the regulatory standards compared to 100 (0.10%) from 99,371 tests in 2019. Table 1.2 provides further information on these contraventions.

**Table 1.2: Overall Drinking Water Quality in 2020**

	No. of Tests	No. of Tests not Meeting the Standards	% Compliance
<b>Water Leaving Water Treatment Works (WTWs)</b>			
<i>E. coli</i>	6422	0	
Coliform bacteria	6422	2	
<b>Microbiological Total</b>	<b>12844</b>	<b>2</b>	<b>99.98</b>
Nitrite	236	0	
Turbidity	6422	4	
<b>Chemical Total</b>	<b>6658</b>	<b>4</b>	<b>99.94</b>
<b>Total (Microbiological and Chemical)</b>	<b>19502</b>	<b>6</b>	<b>99.97</b>
<b>Water in Service Reservoirs (SRs)</b>			
<i>E. coli</i>	14883	0	
Coliform bacteria	14883	13	
<b>Total (Microbiological)</b>	<b>29766</b>	<b>13</b>	<b>99.96</b>
<b>Water at Consumers' Taps or Supply Points (WSZs)</b>			
<i>E. coli</i>	4805	0	
Coliform bacteria	4805	4	
Enterococci	348	1	
<i>Clostridium perfringens</i>	236	1	
<b>Microbiological Total</b>	<b>10194</b>	<b>6</b>	<b>99.94</b>
Zone Chemical Analysis	21687	29	
Supply Point Chemical Analysis	10432	5	
<b>Chemical Total</b>	<b>32119</b>	<b>34</b>	<b>99.89</b>
<b>Total (Microbiological and Chemical)</b>	<b>42313</b>	<b>40</b>	<b>99.91</b>
<b>Overall Water Quality</b>			
<b>Overall Microbiological Quality</b>	<b>52804</b>	<b>21</b>	<b>99.96</b>
<b>Overall Chemical Quality</b>	<b>38777</b>	<b>38</b>	<b>99.90</b>
<b>Overall Drinking Water Quality</b>	<b>91581</b>	<b>59</b>	<b>99.94</b>

The results confirm that overall drinking water quality in 2020, for the key parameters monitored at water treatment works, service reservoirs and consumers' taps remains high at 99.94%, an increase on last year (99.90%). However, the decreased sampling at consumer taps due to the COVID-19 pandemic may have contributed to the increase in consumer tap and hence overall compliance compared to previous years. Figure 1.1 illustrates the percentage compliance over the last five years.

**Figure 1.1: Overall Drinking Water Quality, 2016 – 2020**



### Water Quality at Consumers' Taps

To assess the quality of water that is being supplied to consumers, we assess results of regulatory samples taken by NI Water from consumers' taps. Table 1.3 shows the percentage compliance for 34 of the Schedule 1 (directive and national) parameters and nine of the Schedule 2 (indicator) parameters. Drinking water quality compliance at consumers' taps was 99.91% in 2020, an improvement on last year (99.84%). However, the decreased sampling at consumer taps due to the COVID-19 pandemic is likely to have contributed to the increase in consumer tap compliance.

Nine parameters did not achieve full compliance at consumers' taps in 2020: Nickel, Aluminium, Iron, *Clostridium perfringens*, Enterococci, Taste, Odour, Coliform bacteria, and Pesticides - individual (MCPA).

Table 1.3: Consumer Tap Compliance 2020

Parameter	No. of Samples	No. of Tests not Meeting the Standards	% Compliance
<b>Schedule 1 (Directive and National parameters)</b>			
Nickel	120	3	97.50
Aluminium	1830	13	99.29
Iron	1836	8	99.56
Enterococci	348	1	99.71
Taste	1092	3	99.73
Odour	1097	2	99.82
Other Pesticides	8968	5	99.94
1,2 dichloroethane	236	0	100.00
Antimony	338	0	100.00
Arsenic	345	0	100.00
Benzene	236	0	100.00
Benzo(a)pyrene	399	0	100.00
Boron	345	0	100.00
Bromate	400	0	100.00
Cadmium	345	0	100.00
Chromium	345	0	100.00
Colour	1790	0	100.00
Copper	122	0	100.00
Cyanide	236	0	100.00
E. coli	4805	0	100.00
Fluoride	332	0	100.00
Lead	121	0	100.00
Manganese	1821	0	100.00
Mercury	331	0	100.00
Nitrate	334	0	100.00
Nitrite	334	0	100.00
PAH - Sum of four substances	399	0	100.00
Pesticides - Total Substances	236	0	100.00
Selenium	340	0	100.00
Sodium	341	0	100.00
Tetrachloroethene & Trichloroethene	236	0	100.00
Tetrachloromethane	236	0	100.00
Total Trihalomethanes	399	0	100.00
Turbidity	1830	0	100.00
<b>Total (Schedule 1)</b>	<b>32523</b>	<b>35</b>	<b>99.89</b>
<b>Schedule 2 (Indicator parameters)</b>			
<i>Clostridium perfringens</i>	236	1	99.58
Coliform bacteria	4805	4	99.92
Ammonium	398	0	100.00
Chloride	325	0	100.00
Conductivity	1823	0	100.00
Hydrogen Ion (pH)	1823	0	100.00
Sulphate	332	0	100.00
Indicative Dose	24	0	100.00
Tritium	24	0	100.00
<b>Total (Schedule 2)</b>	<b>9790</b>	<b>5</b>	<b>99.95</b>
<b>Overall Total</b>	<b>42313</b>	<b>40</b>	<b>99.91</b>

## Chemical/Physical Quality

### COVID-19 Restrictions

In 2020 there was a significant reduction in samples taken for copper, lead and nickel as these are samples that must be taken at consumer taps. Less than one third of the scheduled samples were taken for these parameters. Whilst copper has historically achieved high levels of compliance, the lead compliance has fluctuated. In 2020 no regulatory lead contraventions were reported due to the small number and random nature of samples, with only 121 out of the planned 400 samples taken in 2020. It is important that NI Water continue to implement its lead strategy to effectively manage the risk to public health.

#### Nickel

In 2020, there was a decrease in Nickel compliance to 97.50% compared to the 99.50% achieved in 2019. As there was less than one third of the scheduled samples for Nickel taken in 2020, the small number of contraventions (three) led to the lowest percentage compliance for a consumer tap parameter. Nickel may occur naturally in some ground waters, but is rarely found in the mains water supply. However, contraventions of the standard (20 µg/l) do occur occasionally and the main source of nickel in drinking water is leaching from modern taps and other plumbing fittings.

#### Aluminium

In 2020, aluminium was the chemical parameter which had the highest number of tests failing to comply with the standard. Of the 1,830 samples taken, 13 (0.71%) failed to meet the 200 µg/l standard. This represents a slight decrease in aluminium compliance to 99.29%, compared to the 99.40% reported in 2019. Further discussion on aluminium is contained in Part 2 of this section.

#### Iron

The regulatory standard for iron is set for aesthetic reasons as levels above this can give rise to discoloured water. Corrosion of iron water mains is the most common reason for contraventions.

Of the 1,836 iron samples taken, eight (0.44%) failed to meet the 200 µg/l standard. This represents an improvement in the compliance level achieved in 2019 with 22 of the 1,984 tests failing to comply, measuring a failure rate of 1.11%.

These were mostly due to the build-up, and subsequent disturbance, of deposits found within water mains. Where this is identified, there are a number of remedial measures which NI Water carry out. Figure 2.6 in Part 2 provides iron compliance figures for the last five years.

#### Enterococci

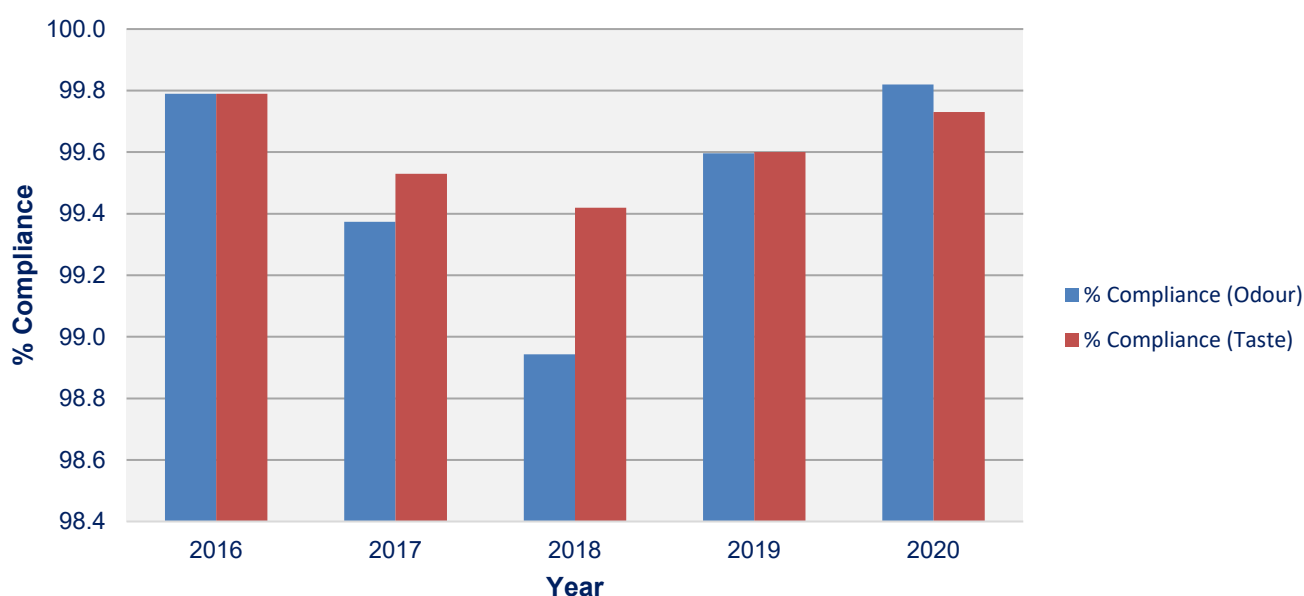
The presence of bacterium such as enterococci is indicative of faecal contamination and should not be found in any drinking water sample. In 2020, one enterococci was detected in one of the 348 samples taken at consumers' taps by NI Water. The cause of this was not determined and all checks were satisfactory.

## Odour & Taste

The regulatory requirement for odour and taste is “Acceptable to consumers and no abnormal change”. DWI has issued guidance to NI Water on the interpretation of this regulatory requirement.

In 2020, odour compliance was 99.82% and taste compliance 99.73%, an improvement on the 2019 compliance (99.60% for odour and taste). Odour and taste compliance over the last five years is shown in Figure 1.2. There is further information on odour and taste in the “Consumer Contacts” section later in this part of the report.

**Figure 1.2: Percentage of Regulatory Tests Meeting the Odour & Taste Standards, 2016 – 2020**



## Other pesticides – MCPA

The pesticide 2-methyl-4-chlorophenoxyacetic acid (MCPA) is a powerful, selective, widely used herbicide. MCPA is used in agriculture to control broad-leaf weeds and rushes. In 2020, of the 8,968 “other pesticide” samples taken, five (0.06%) failed to meet the 0.1 µg/l standard. All five pesticide contraventions related to MCPA. This represents a decrease in pesticide compliance to 99.94%, compared to the 99.98% reported in 2019. Further discussion on MCPA is contained in Part 2 of this section.

## Microbiological Quality

The overall safety of drinking water at consumers’ taps in 2020 is confirmed with a high level of microbiological compliance (99.94%), (see Table 1.2). This is an increase in compliance from the 99.86% reported in 2019. However the majority of consumer tap samples scheduled in 2020 had to be taken at upstream SRs due to the pandemic. This is likely to have had a positive impact on the compliance figure. Coliform bacteria were detected in four samples scheduled to be taken at consumer taps in 2020, three were taken at consumer taps and one from a SR.

*Clostridium perfringens* were found in one sample taken in 2020 (99.58% compliance) an improvement on the two detections in samples taken in 2019 (compliance 99.15%).

Enterococci were detected in one sample taken at an upstream service reservoir instead of a consumer's tap in 2020 due to the pandemic compared to none in 2019.

## **Domestic Dwellings Distribution Systems**

NI Water's investigation into contraventions must determine if they are due to the internal distribution systems within domestic dwellings. Where this is identified it must inform the owner with details of the failure and provide appropriate advice in relation to actions the owner may take to rectify the contravention and protect public health. The investigations, where appropriate, should also ensure consumers' internal plumbing is compliant with The Water Supply (Water Fittings) Regulations (Northern Ireland) 2009.

In 2020, there were three contraventions reported to us which NI Water determined were due to the internal plumbing within domestic properties. These were related to the following parameters: two Coliform bacteria and one Nickel. These contraventions were investigated by NI Water and letters sent to consumers advising them of the contraventions and offering appropriate advice to protect public health.

## **Public Buildings Distribution Systems**

At premises where water is made available to members of the public (such as schools, hospitals or restaurants) there were 105 samples taken during 2020. Of these, one contravened the odour standard.

NI Water must take appropriate action to rectify the failure where it is attributable to either the water supplied by it, or is a contravention of the Water Fittings Regulations. For any other failures within such premises, we are required to follow-up with the owners under The Water Supply (Domestic Distribution Systems) Regulations (Northern Ireland) 2010. If we assess the failure as likely to recur, or if it constitutes a potential risk to human health, a notice may be served on the owner to undertake the necessary actions to protect public health and bring the supply back into compliance.

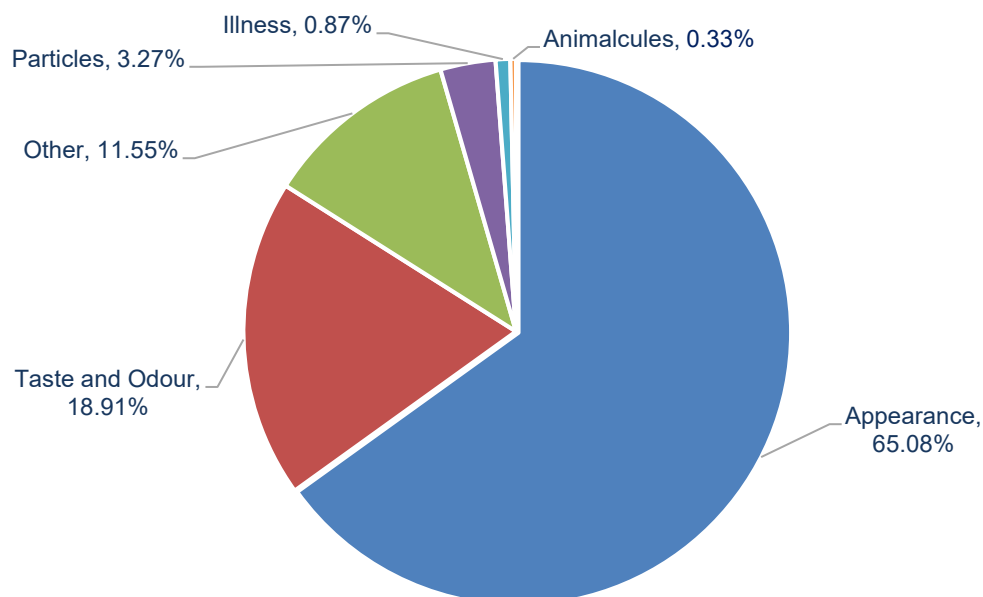
## **Consumer Contacts**

NI Water provides us with consumer contact information to help us assess consumers' satisfaction of their drinking water quality (Table 1.4 refers). The total number of consumer contacts reported in 2020 was 5993 compared to 5661 in 2019, an increase of 332 (5.9%). We will continue to monitor the trends in consumer concerns.

**Table 1.4: Water Quality Contacts received by NI Water in 2020**

Contact Category	Contact Sub-Category	Number of Contacts
Appearance	Colour	2807
	General	80
	Hardness	8
	Stained Washing	3
	White - Air	641
	White - Chalk	361
Taste and Odour	Chlorinous	558
	Earthy/Musty	216
	Other	298
	Petrol/Diesel	23
	TCP	38
Illness		52
Particles		196
Animalcules		20
Boil Water Notice		0
Other	Water Quality Concern - Campaigns	1
	Water Quality Concern - Incident Related	104
	Water Quality Concern - Lifestyle	0
	Water Quality Concern - Pets/Animals	2
	Water Quality Concern - Sample	369
	Water Quality Concern - Lead	200
	Water Quality (No Concern) Fluoride	0
	Water Quality (No Concern) Other Information	12
	Water Quality (No Concern) Water Hardness	1
	Water Quality (No Concern) Water Quality Report	3
<b>TOTAL</b>		<b>5993</b>

The highest percentage of contacts and concerns continued to relate to the appearance of drinking water, with 65.1% in 2020 (63.9% in 2019). This is illustrated in Figure 1.3.

**Figure 1.3: Consumer Contacts and Concerns received by NI Water in 2020**

## Appearance

Within the overall appearance categories there are a number of different sub-categories that are a cause of concern for consumers.

### Colour

In 2020, as in every year, the majority of appearance concerns (72%) related to discoloured water. The most common cause of discoloured water concerns is an orange, brown or black discoloration caused by suspended particles of iron (orange/brown) and manganese (black).

Iron discolouration may occur through natural iron present in the raw water passing through inadequate treatment, from the treatment process, or from corrosion of cast-iron distribution mains as discussed earlier. Manganese is naturally present in some raw waters and may not be fully removed if treatment is inadequate.

### White Water

'White water' is mainly caused by air dissolved in the water, making it appear cloudy or milky white. It can be caused by internal plumbing, burst water mains or when NI Water has been carrying out maintenance work on pipes. Where air is the cause, the cloudy appearance will clear in a glass of water from the bottom up.

Another cause of white water may be chalk. Chalk has a white powdery appearance and is made up of natural minerals found in water which forms what is known as 'hardness'. A glass of water containing chalk will take up to an hour to clear from the top downwards, leaving fine white sediment in the bottom of the glass.

'White water' accounted for 25.7% of appearance concerns in 2020.

## Taste and Odour

All water sources contain naturally occurring minerals. Water also contains dissolved gases, such as oxygen and carbon dioxide, which give tap water a characteristic taste. One substance, which is added to drinking water for disinfection, is chlorine, and this can give rise to consumer complaints (see next section on Chlorinous).

Other taste and odours should not be present in drinking water for aesthetic reasons e.g. TCP or earthy/musty, or for health reasons e.g. petrol/diesel.

Taste and odour complaints accounted for 18.9% of the total consumer contacts in 2020.

### *Chlorinous*

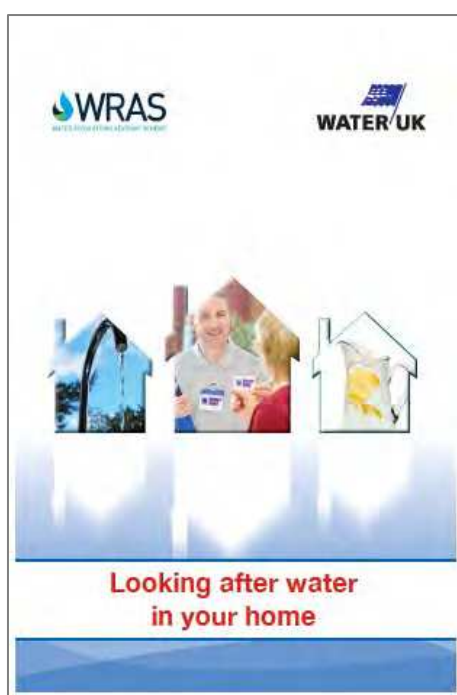
Some individuals are more sensitive than others to the taste and odour of chlorine which is used to maintain hygienic conditions within the water supply network. 49% of taste and odour consumer contacts in 2020 were related to a chlorinous taste and odour in the water (47% in 2019). This marks a further slight increase in chlorinous taste and odour complaints following a significant increase in 2019. NI Water should investigate the reasons why almost half of all taste and odour complaints are related to a chlorinous taste and odour.

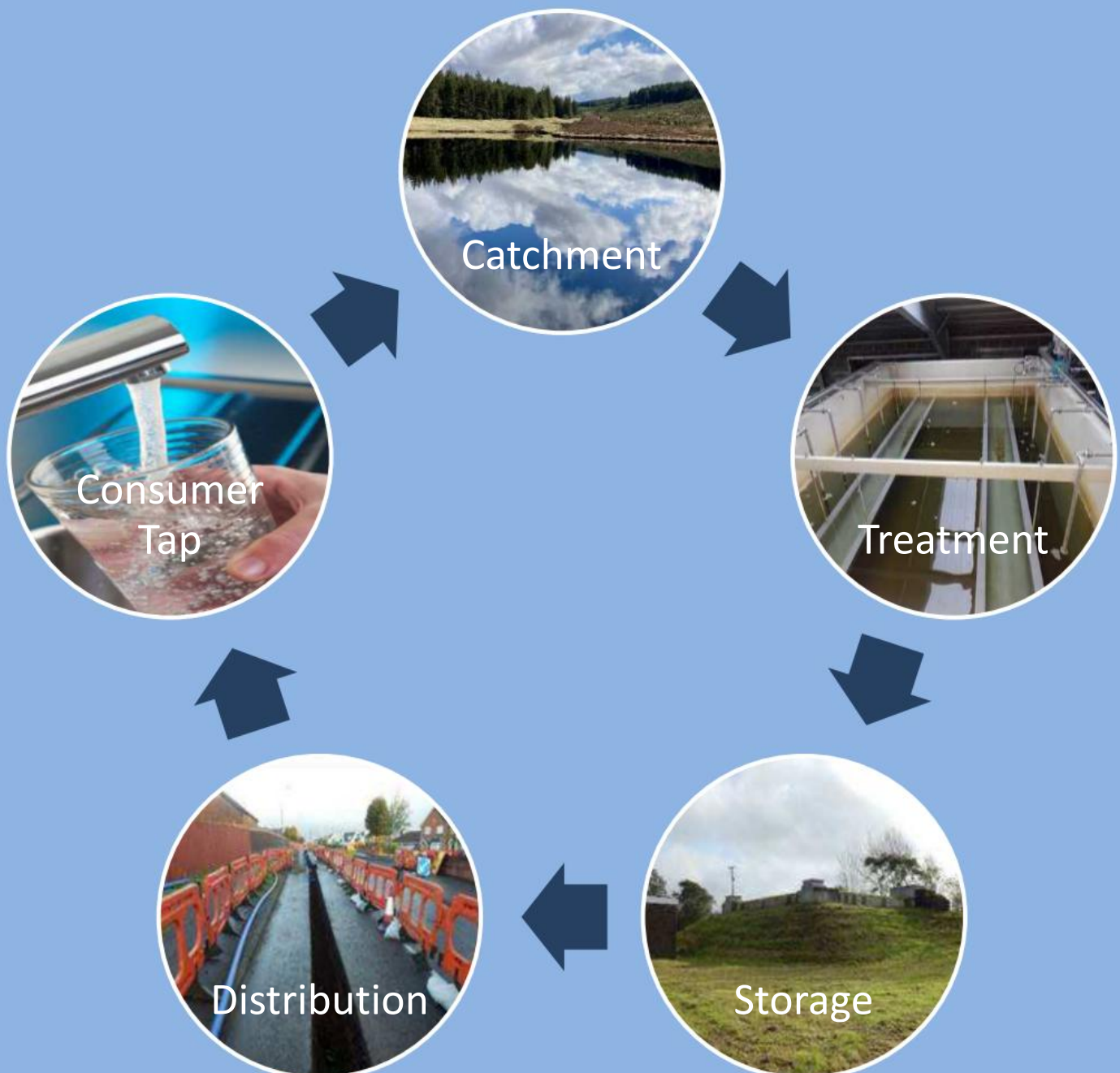
## Consumer Advice

A useful consumer guide, (Figure 1.4) '[Looking after water in your home](#)', was produced by the water industry to help you maintain and enjoy the quality of tap water once it enters your home.

It contains a number of household tips, from how to reduce unwanted taste and odours and address appearance issues, to advice on water filters and storage tanks.

**Figure 1.4: Looking after Water Your Home Guide**





## Part 2

### The Drinking Water Cycle

- Catchment: There was an increased number of MCPA detections in 2020
- Events: There was one Major, three Serious and 24 Significant Events reported in 2020
- Aluminium continues to be the process control parameter of concern
- Trihalomethanes (THMs) achieved full compliance in 2020

This part of the report details our assessment of how NI Water manages the drinking water cycle, from the **catchment** to the **treatment** processes at Water Treatment Works (WTWs), through Service Reservoirs (SRs) and into the **distribution network** to supply **consumers**. It also summarises the risk management approach adopted by NI Water in ensuring that water supplies remain safe and wholesome throughout their journey to homes and businesses.

#### Catchments

NI Water mainly abstracts its raw water from 38 sources including rivers and loughs (54.4%), impounding reservoirs (45.5%), and one borehole which supplies a small population on Rathlin Island (0.1%).

A risk assessment of the catchment must be completed as part of the overall 'source to tap' approach. NI Water liaises with the Northern Ireland Environment Agency (NIEA) and a range of other stakeholders through Water Catchment Partnerships to identify and put mitigations in place to manage risks within the catchment. The Catchment Management Plans developed by NI Water throughout PC15 are due to be implemented in PC21. Where catchment solutions alone are unable to reduce the risks sufficiently, NI Water must ensure that it has appropriate treatment processes in place.

As the potential list of contaminants within catchments is diverse, it must risk assess each catchment individually to determine the specific risks, and identify appropriate mitigations to reduce or adequately control the risks. Where a risk is identified, NI Water must consider if water quality monitoring is required within the catchment and at its abstraction points.

This monitoring plays an important role in providing information on the risks within the catchment and for the operational management of water treatment works to ensure treatment processes provide an effective barrier against the identified levels of contaminants.

#### Pesticides

During 2020, 38 individual pesticides were monitored by NI Water under its sampling programmes. There are two separate sampling programmes in place. The compliance programme is based on the set regulatory frequencies required to be monitored by NI Water for assessing compliance. There is also the operational programme to identify potential risks and assist in the operation of its treatment processes.

Within the compliance programme there were 236 samples taken for pesticides giving a total of 8968 individual determinations. In 2020, five samples contravened the standard for MCPA – three at Derg WTW, and two at Carmoney WTW.

Where contraventions arise, DWI may require NI Water to implement enhanced operational sampling to monitor an ongoing risk. During 2020, within the operational programme, NI Water reported 13 MCPA contraventions. Nine of these were at Derg WTW, where enhanced monitoring is ongoing and DWI has a Notice in place requiring NI Water to install treatment to achieve compliance with the regulatory limit for MCPA in the final water. Two of the 13 contraventions were recorded at Clay Lake WTW, one at Glenhordial WTW, and one at Killyhevlin WTW. A Notice previously in place relating to remedial works at Glenhordial WTW was completed in February 2019 and results from this works will be closely monitored, with further action taken if deemed necessary. Although there were no contraventions at Ballinrees WTW in 2020, a Notice is in place following the 12 contraventions for MCPA in 2017 which requires remedial works to be completed within a timeframe agreed with DWI.

Water treatment works with contraventions for pesticides, both regulatory and operational, from 2016 to 2020 are summarised within Table 2.1.

There was a total of 18 MCPA contraventions reported from both compliance and operational sampling in 2020, an increase on the 13 contraventions in 2019.

**Table 2.1: Pesticides Detected above the Regulatory Limit, 2016 – 2020**

Water Treatment Works		2020	2019	2018	2017	2016	
		MCPA	MCPA	MCPA	MCPA	MCPA	Clopyralid
W1701P	Ballinrees				12		
W2308P	Castor Bay						1
W2509	Clay Lake	2					
W2802	Carran Hill						1
W4301	Carmoney	2					
W4501	Derg	12	12	5	6	7	
W4541	Glenhordial	1	1		4		
W4701	Killyhevlin	1					
<b>All WTWs</b>		<b>18</b>	<b>13</b>	<b>5</b>	<b>22</b>	<b>7</b>	<b>2</b>

## Water Treatment

Water treatment processes normally include the physical removal of potential contaminants by using chemical coagulation/flocculation, clarification (Figure 2.1), and filtration. Filters require periodic backwashing to operate effectively (Figure 2.2). Additional treatments such as ozone dosing and GAC (Granular Activated Carbon) filtration or PAC (Powdered Activated Carbon) dosing can also be required to remove unpleasant tastes and odours, and for pesticide reduction. The final stage of treatment is disinfection.

An important measure of the effectiveness of treatment is the assessment of the water quality throughout the treatment process and the quality of the final water leaving the works.

**Figure 2.1: Clarification Stage****Figure 2.2: Backwashing a Filter**

In Table 2.2, results are outlined for two sets of parameters that are used to assess the effectiveness of water treatment processes: process control parameters; and disinfection parameters.

**Table 2.2: Water Quality at Water Treatment Works, 2020**

Parameters	Place of Sampling	Total No. of Tests in 2020	No. of Tests not Meeting the Standards in 2020	% of Tests Meeting the Standards	
				2020	2019
Process Control Parameters					
Aluminium	WSZ	1830	13	99.29	99.40
Trihalomethanes	WSZ	399	0	100.00	99.00
Disinfection Parameters					
Coliform bacteria	WTW	6422	2	99.97	99.98
<i>E. coli</i>	WTW	6422	0	100.00	100.00
Turbidity	WTW	6422	4	99.94	99.89
Indicator Parameter					
<i>Clostridium perfringens</i>	WTW	236	1	99.58	99.15

WSZ = Water Supply Zone (consumer tap sample)

### Process Control Parameters

Process control parameters are used to measure the effectiveness of treatment, and are based on a selection of chemical parameters relevant to the processes in place at the water treatment works.

In 2020, results from the compliance monitoring programme, shown in Table 2.2, reported continuing non-compliances for one of the process control parameters, aluminium. No trihalomethanes (THMs) non-compliances were reported in 2020.

#### *Aluminium*

Aluminium compliance, which is measured at consumers' taps, was slightly lower in 2020 with 13 regulatory contraventions (0.71%) reported compared to 12 (0.60%) in 2019. Figure 2.3 displays the levels of aluminium compliance over the last five years.

Operational sample results and outputs from on-line monitors often highlight elevated aluminium levels at WTW before they become apparent in distribution. In many cases the remedial measures taken by NI Water in response to these early detections prevent, or limit the impact of, water quality events.

Overall, there were nine Significant events at five water treatment works in 2020 relating to elevated levels of aluminium – see Annex 2 for details. Although these events do not always directly correlate with regulatory contraventions at consumers' taps at the time of the event, they can lead to the accumulation of aluminium in the distribution system and contribute to contraventions at a later date.

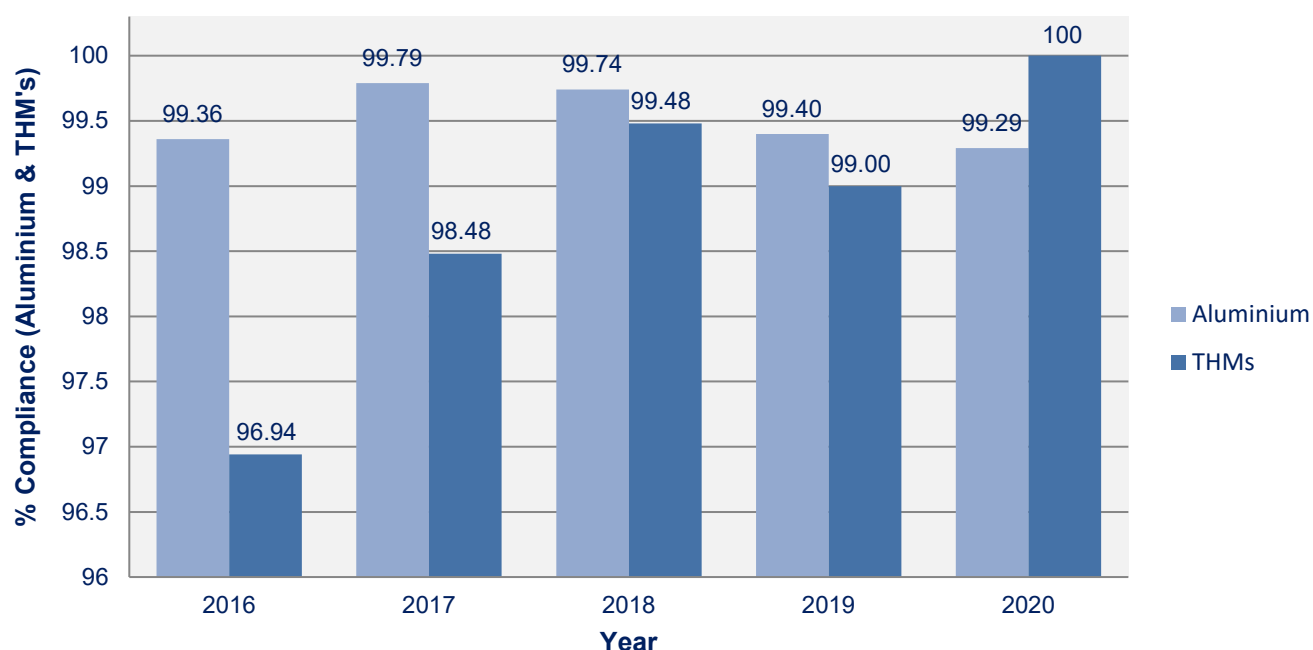
It is concerning to note that the trend in aluminium compliance continued downwards in 2020, to the lowest level of compliance for five years. NI Water must constantly review its operational practices at its treatment works and take whatever measures are necessary to improve this level of compliance. Improvements to the treatment processes at WTWs which have been identified for funding in the PC21 price control process should result in an improving level of aluminium compliance over the next six years.

### *Trihalomethanes (THMs)*

THMs are a group of disinfection by-products that form when naturally occurring organic substances combine with chlorine, which is added to disinfect the water and make it safe to drink. There are a number of reasons for THM non-compliance including: the quality of the raw water; the performance of the water treatment works; the condition of the networks; and the length of time water spends in the distribution system (residence time). Effective and well managed treatment processes reduce the levels of these organics, which are directly related to the level of THMs that occur in the final water.

Figure 2.3 displays the levels of THM compliance over the last five years. Full compliance was achieved in 2020 with all samples tested meeting the standard of 100 µg/l. This compares to 2019 when four samples (1.0%) contravened the standard. However, as THM levels are known to increase in the distribution system, and contraventions often occur at or near the end of distribution systems, the decreased sampling at consumer taps due to the COVID-19 pandemic may have contributed to the 100% compliance. A further reason for the improved compliance was the completion of a new treatment process at Rathlin WTW in November 2019 following enforcement by DWI.

NI Water must ensure that good operational practices prevail within the catchments and at water treatment works. It is also important that there is careful management of the storage levels in service reservoirs and the distribution network is adequately maintained to control the formation of THMs.

**Figure 2.3: Percentage Compliance for Aluminium & THMs at Consumers' Taps, 2016 – 2020**

### Disinfection Parameters

The parameters, coliform bacteria, *E. coli* and turbidity (Table 2.2 refers) reflect at the effectiveness of disinfection and pathogen removal. Effective disinfection is fundamental to the treatment process in order to safeguard consumers from the risk of microbiological organisms being present in drinking water. Testing for *E. coli* and coliform bacteria at water treatment works provides assurance of adequate treatment and the provision of safe, clean drinking water. In 2020, NI Water reported 100% compliance for *E. coli* and 99.97% compliance for coliform bacteria at its water treatment works.

Turbidity is caused by finely suspended particles in the water which must be reduced to below 1 NTU to enable adequate disinfection to take place. There was a slight increase in compliance with the turbidity standard in 2020 (99.94% compared to 99.89% in 2019). Four turbidity contraventions occurred at three water treatment works in 2020. Of these, one was assessed as being a Significant event. This event also involved an aluminium contravention following treatment difficulties.

### Indicator Parameter

#### *Clostridium perfringens*

*Clostridium perfringens* can be used in association with other parameters to assess the effectiveness of the water treatment processes. This organism is a spore-forming bacterium that is exceptionally resistant to unfavourable conditions in the water environment such as extremes of temperature and pH; and disinfection by chlorination.

In 2020, of the 236 tests carried out for *Clostridium perfringens*, one contravened the standard. NI Water investigated but was unable to determine a cause for this contravention.

## Distribution

The water distribution network in Northern Ireland is extensive, consisting of 287 service reservoirs (SRs) and 26,958 km of mains pipe. Water mains transfer drinking water from the water treatment works to service reservoirs and onwards to the consumer. Service reservoirs provide storage close to the point of distribution to help ensure that sufficient water is available to meet the varying demands of consumers.

In Table 2.3, two measures are used to assess the water quality within a distribution system: reservoir integrity and distribution networks.

**Table 2.3: Water Quality Indicators within the Distribution System, 2020**

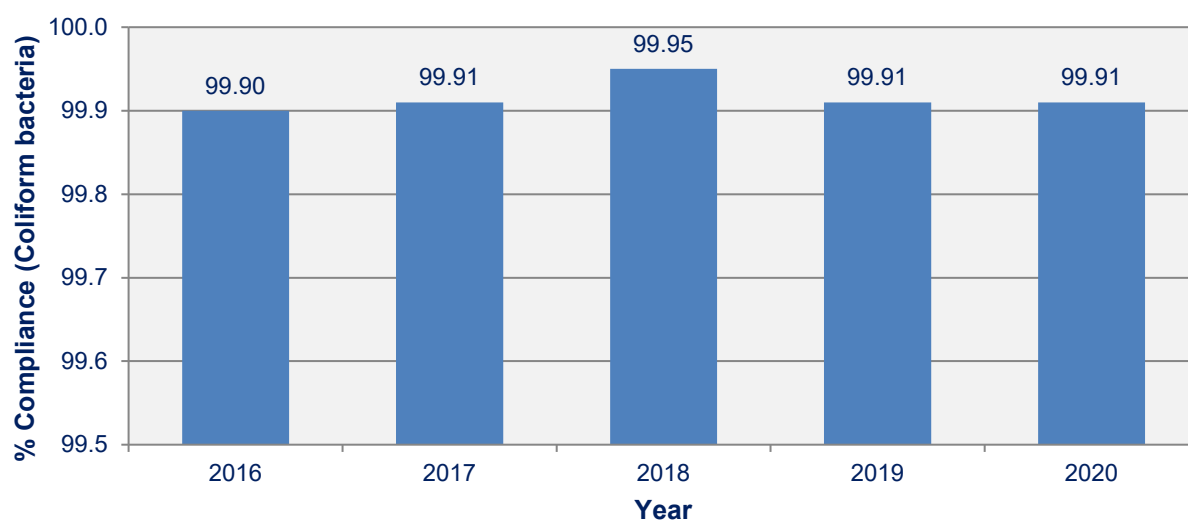
Parameters	Place of Sampling	No. of Tests in 2020	No. of Tests not Meeting the Standards in 2020	% of Tests Meeting the Standards in 2020	% of Tests Meeting the Standards in 2019
<b>Reservoir Integrity</b>					
Coliform bacteria	SR	14883	13	99.91	99.91
<i>E. coli</i>	SR	14883	0	100.00	100.00
<b>Distribution Networks</b>					
Turbidity	WSZ	1830	0	100.00	99.95
Iron	WSZ	1836	8	99.56	98.89
Manganese	WSZ	1921	0	100.00	99.90

## Service Reservoirs

Samples are collected weekly at every service reservoir in Northern Ireland. One such Service Reservoir is shown in Figure 2.4. It is a regulatory requirement that at least 95% of samples collected annually from each reservoir are free from coliform bacteria. The 287 reservoirs sampled in 2020 all met this requirement. Figure 2.5 shows coliform bacteria compliance was 99.91% in 2020, the same figure as for 2019. Coliform bacteria were detected on 13 occasions at 13 (4.53%) different service reservoirs which is the same number of contraventions as was reported in 2019. *E. coli* was not detected at any service reservoirs in 2020. This replicated the 100% compliance also achieved in 2019.

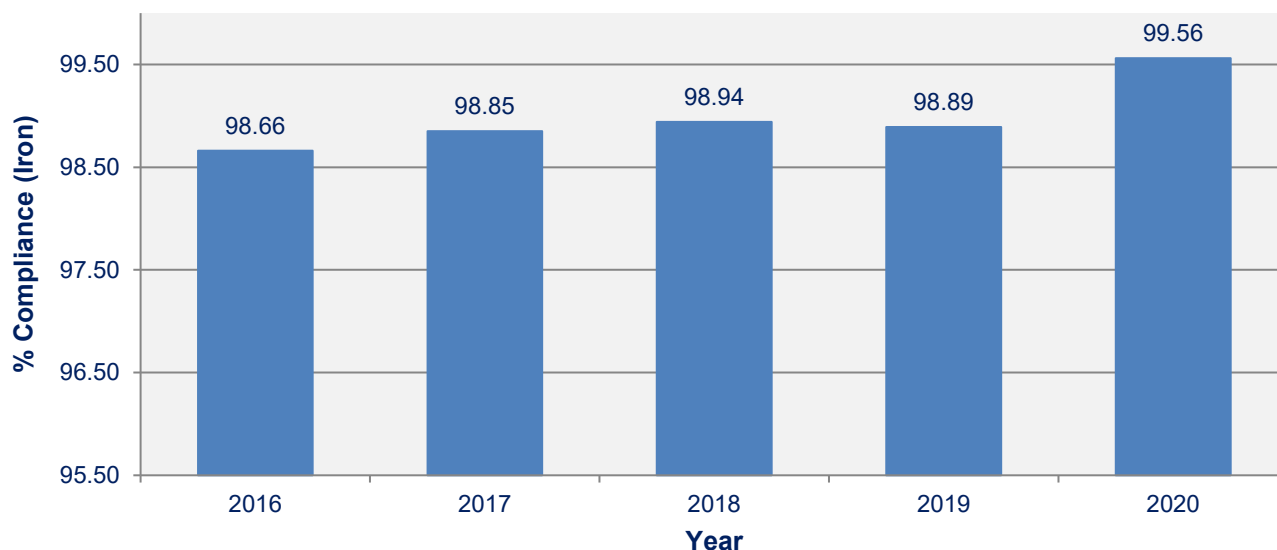
**Figure 2.4: Service Reservoir**



**Figure 2.5: Percentage Compliance of Coliform Bacteria at Service Reservoirs, 2016 – 2020**

### Water Mains

In 2020 a total of 1836 samples taken from consumers' taps were tested for iron. Of these, eight (0.44%) contravened the regulatory standard of 200 µg/l. This reflects an increase in compliance from 2019 when there were 22 (1.11%) contraventions reported as illustrated in Figure 2.6. Manganese and turbidity both reported 100% compliance in 2020. As contraventions of these three parameters are closely related to the mains network, it is likely that the decreased sampling at consumer taps due to the COVID-19 pandemic contributed to these higher than normal compliance figures.

**Figure 2.6: Percentage Compliance of Iron in Distribution, 2016 – 2020**

Many of the mains delivering water to consumers' taps are made of cast iron and the deterioration of older mains may result in consumers receiving discoloured drinking water due to the presence of iron and manganese. NI Water has an ongoing Water Mains Rehabilitation Programme and this enables corrective action to be taken on a priority basis to improve the water quality being supplied to consumers. New mains are also installed or upgraded as required for new developments. A typical new mains installation is shown in Figure 2.7.

**Figure 2.7: New mains installation**



*Photo courtesy of NI Water*

## Events and Risk Management

### Drinking Water Quality Events

NI Water inform us of events that have affected, or are likely to affect, drinking water quality or sufficiency, and subsequently where there may be a risk to consumers' health. Each event is assessed into one of five categories based on increasing severity: Not Significant, Minor, Significant, Serious or Major. It is important that lessons are learnt from events and any necessary remedial action is undertaken. For events categorised as Significant or above the risk assessments in place for each water supply system are required to be reviewed.

38 events were reported to us in 2020. Of these, we categorised one as Major; three as Serious; 24 as Significant; three as Minor; and seven as Not Significant.

The Major event was the effect of the COVID-19 pandemic on NI Water. The government restrictions in place had a direct impact on the NI Water's regulatory requirements regarding sampling and analyses. NI Water is to be commended on the swift actions taken (in consultation with DWI) to ensure the continued protection of public health whilst mindful of the health and well-being of its own staff.

The three Serious events involved: complaints of chlorinous taste and odour in the Kilkeel, Ballymartin and Annalong areas following over-dosing of chlorine at Fofanny WTW; the very high network demand in late May, early June 2020; and discoloured water in the Ballymoney area following the malfunction of the inlet valve at High Tober SR. DWI issued a Warning Letter to NI Water regarding the event at Fofanny WTW.

There were 19 Significant events at ten WTWs (Ballinrees; Carmoney; Clay Lake; Derg; Dorisland; Drumaroad; Glenhordial; Killyhevlin; Killylane; and Rathlin) in 2020. The majority of these events were due to treatment difficulties or lack of adequate treatment relating to aluminium, *Cryptosporidium*, individual pesticide (MCPA), iron, odour & taste, and turbidity contraventions.

The other five Significant events occurred in the distribution network: discoloured water in the Newcastle area following operational work at Tullybrannigan South SR; water quality issues after Ballybriest SR was operated at a very low level; aluminium contraventions following a burst on the Ards Trunk Main; loss of supply and low pressure after a burst on the Breda Trunk Main; and aluminium and iron contraventions after Slimero SR was operated at low level.

Annex 2 provides further information on the one Major, three Serious and 24 Significant events in 2020.

## Risk Management

As part of the drinking water safety plan (DWSP) approach, NI Water is required to carry out a risk assessment of each water supply system. Informed by the information generated from the catchment risk assessment, this supports the 'source to tap' approach in the management and control of the potential risks. The assessments must be kept under review, to ensure ongoing risks are adequately controlled and any new or emerging risks are properly identified. We monitor these plans to ensure, where risks are identified, there are control measures in place to ensure the protection of public health. There are 23 risk assessments in place covering all of NI Water's drinking water supplies.

## Regulatory Control

### The Technical Audit Process

DWI normally conducts a risk based technical audit programme to check NI Water's compliance with statutory obligations and best practice. However, in 2020, due to COVID-19 restrictions, site visits were suspended to protect critical NI Water staff and ensure continued operation of water treatment works. An audit of the Laboratory Information Management System was carried out remotely. This is detailed in Annex 3.

### Enforcement Action

In order to protect, maintain and improve drinking water supplies, NI Water's large capital investment needs are prioritised through the Price Control Process (PC). 2020 was the last full year of the PC15 (2015 - 2021) investment programme and a lot of work was completed in preparation for the PC21 (2021 - 2027) capital investment programme in collaboration with a full range of stakeholders.

Although it is better to be able to plan investment through the PC process, there are occasions when it is necessary for DWI to take enforcement action against NI Water to secure compliance and protect public health.

In 2020, a Provisional Enforcement Order (PEO) issued under The Water and Sewerage Services (Northern Ireland) Order 2006 was closed in May following completion of Undertakings by NI Water. DWI issued three Notices under The Water Supply (Water Quality) Regulations (Northern Ireland) 2017 (the Regulations). The details of these enforcements are contained in Annex 4. One of the Notices issued by DWI, as discussed in the Pesticides section of this report (page 19), led to NI Water's recent announcement of the largest ever investment (£12m) in a drinking water capital programme at Derg WTW. This is primarily required to upgrade the works and ensure future compliance with the regulatory limits for the pesticide MCPA.

## Section 2

### Private Water Supplies



## Section 2

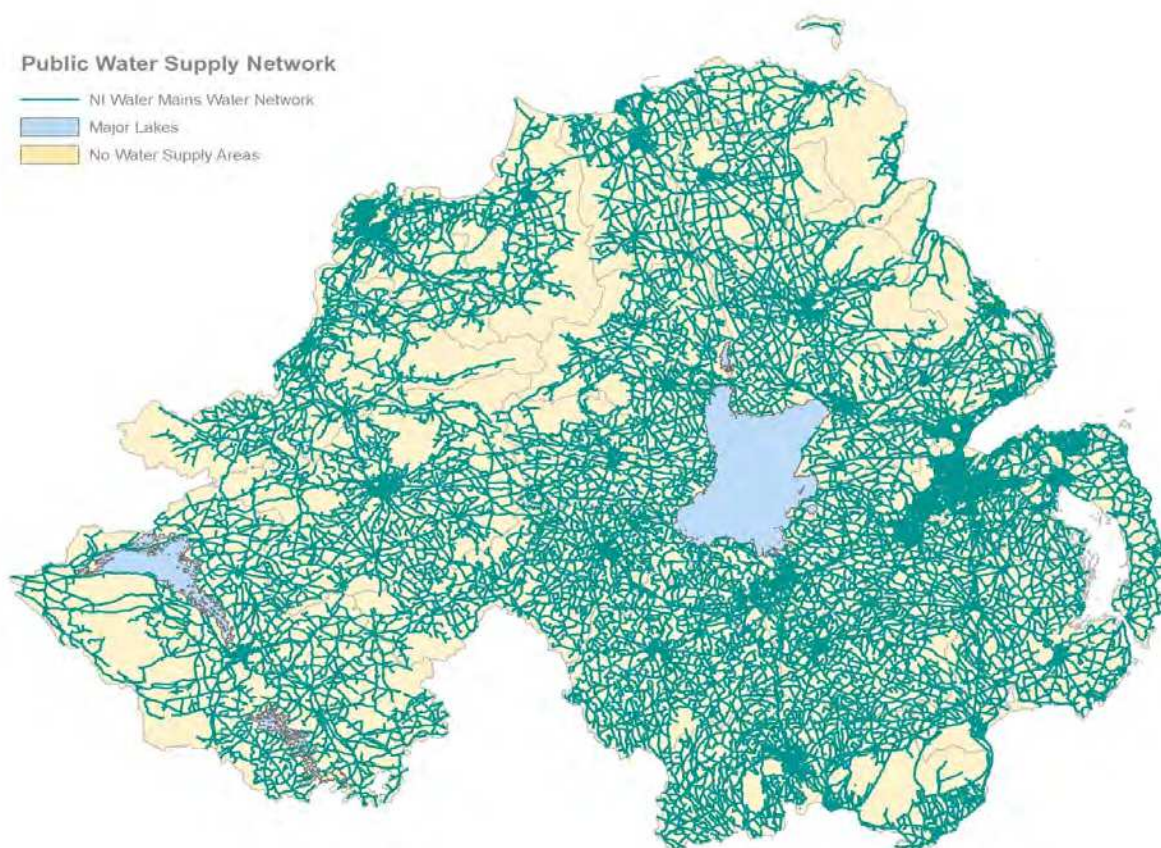
### Private Drinking Water Supplies

- 175 registered private water supplies monitored in 2020, including seven new supplies
- 82% are commercial / public supplies; and 18% are small domestic supplies
- 99.4% of the supplies are from groundwater sources
- Of the 14,982 tests carried out, 99.24% complied with the regulatory standards
- Full compliance was achieved at 64% of registered private water supply sites
- 33% of non-compliant sites showed microbiological contraventions, 54% chemical contraventions and 13% had both microbiological and chemical contraventions

NI Water supplies water to over 99% of the Northern Ireland population; the remainder is served by private water supplies. The extent of the NI Water mains network is shown in Figure 1.1. The areas of no water supply are those where domestic properties are most likely to be served by a private water supply.

Consumers often assume the water they are drinking is from the public water supply. However, although the number of people directly served by a private supply may be small, many more people are exposed to them through their use in both commercial activities and public buildings.

**Figure 1.1: NI Water Mains Network (and no water supply areas)**



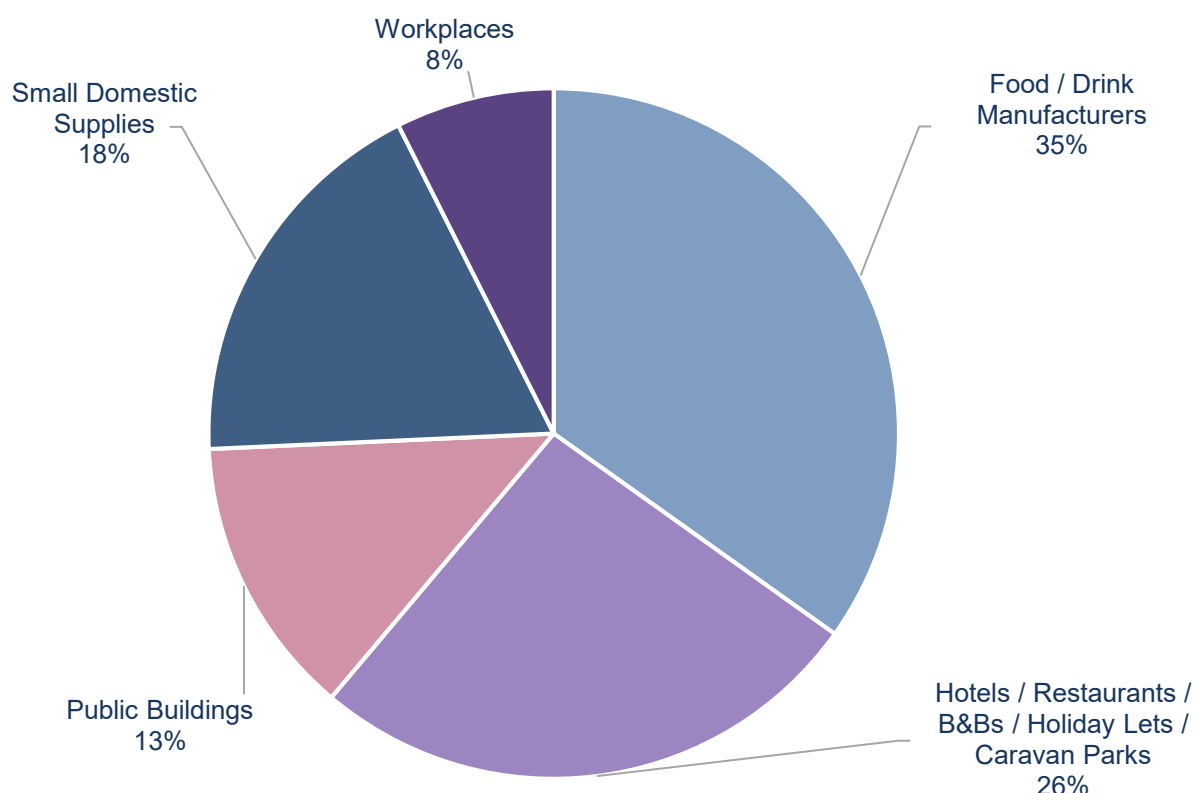
Private water supplies are often used as an alternative to or in conjunction with the public water supply at a range of sites such as:

- food and drink manufacturers;
- public buildings including hospitals, workplaces and universities; and
- within the hospitality industry such as hotels, restaurants, or tourist accommodation.

## Register of Supplies

There was a total of 175 private water supplies on our register in 2020 which required monitoring under The Private Water Supplies Regulations (Northern Ireland) 2017. The categories of these supplies are presented in Figure 1.2. It is estimated there are approximately a further 1200 supplies to single private dwellings which are not required to be monitored under the Regulations. The Environmental Health Departments of local councils test these supplies on request.

**Figure 1.2: Categories of Private Water Supplies in Northern Ireland in 2020**



Private water supplies may be drawn from either surface or groundwater sources. Surface sources can include streams, rivers and reservoirs; groundwater sources include wells, boreholes and springs. Presently, 99.4% of registered private supplies in Northern Ireland are from groundwater sources, most commonly, boreholes.

## Monitoring of Supplies

An annual sampling programme is in place for each registered supply. The frequency of the sampling and the range of parameters tested for are determined by the type of the supply and the volume of water used or population served. Samples at private water supplies are collected by Environmental Health staff, acting on our behalf.

Of the 175 private water supplies on our monitoring schedule for 2020, 82% are commercial or public supplies; and 18% are small domestic supplies (groupings of two or more houses). A breakdown of the numbers and sizes of private water supplies in 2020 is shown in Table 1.1.

**Table 1.1: Numbers and Types of Private Water Supplies in 2020**

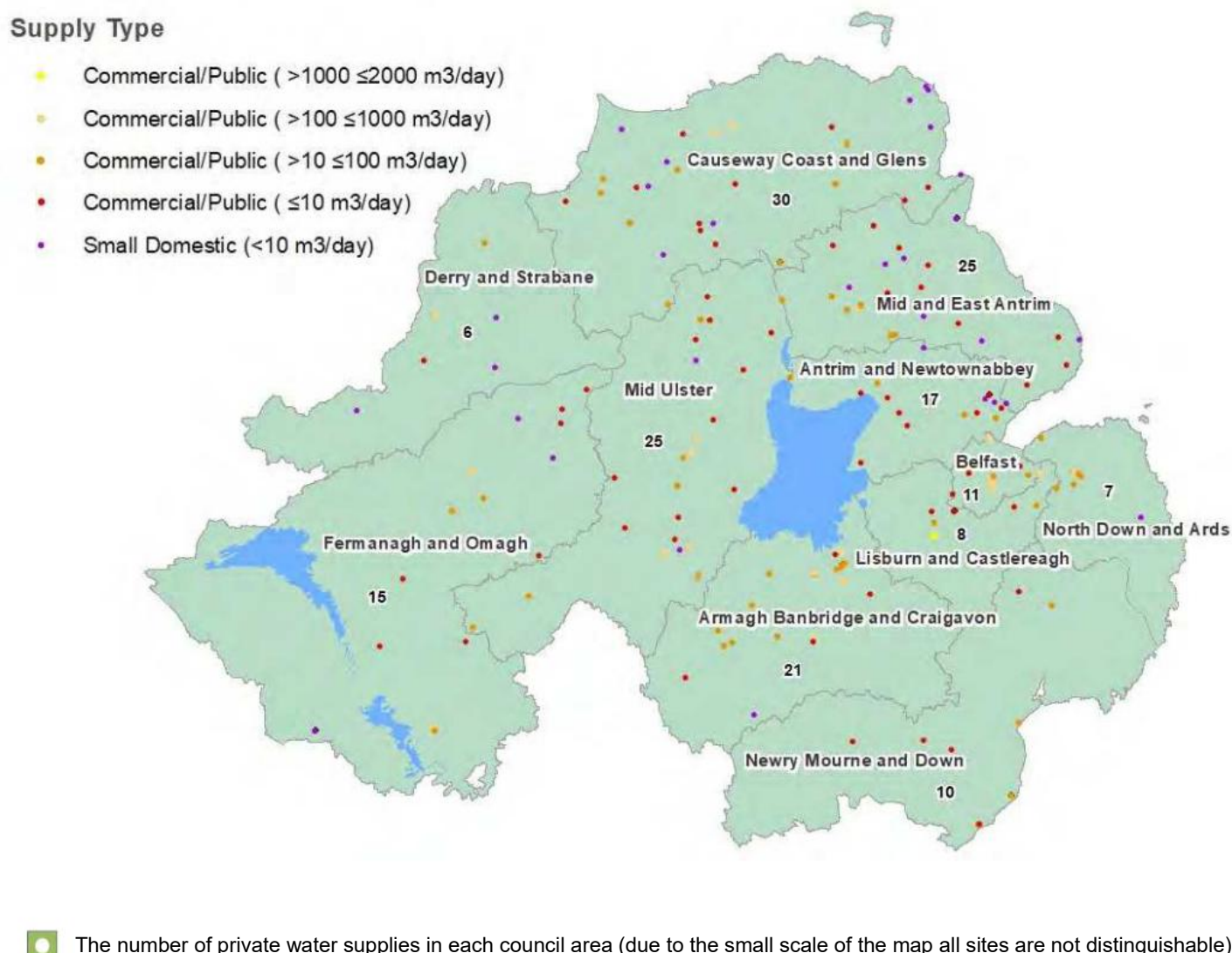
Types of Private Water Supplies Volume (m <sup>3</sup> /day)	Number of Supplies	Frequency of Sampling (per annum)
<b>(i) Commercial / Public Supplies</b>		
>1000 ≤2000	2	10
>100 ≤1000	22	4
>10 ≤100	56	2
≤10	63	1
<b>(ii) Small Domestic Supplies (two or more dwellings)</b>		
≤10	32	1
<b>TOTAL</b>	<b>175</b>	

During 2020, ten sites were removed from the sampling programme as they no longer met the criteria to be registered (i.e. supply no longer used in production or no longer used for human consumption or sanitation). Some sites were reclassified as necessary throughout the year as the use, volume or distribution was altered (and subsequently the analytical requirements and sampling frequency). In addition, a total of seven new supplies registered with us, these were:

- two food / drink manufacturers;
- one hospital;
- one university;
- one nursing home;
- one holiday rental; and
- one small domestic supply serving two or more properties.

Although the sampling frequency for compliance sampling is set within the Regulations, many supplementary samples are taken throughout the year during follow-up investigations. In addition, where necessary, sites can be put on an increased sampling frequency for a set period of time to monitor any parameters identified as a risk in the supply. During 2020, a total of 74 such samples were collected. The results of the individual tests of these samples are not included in the calculation of the overall compliance for private water supplies.

A breakdown of registered supplies in Northern Ireland in 2020, categorised by size, is shown in Figure 1.3. The 2020 sampling programme included premises using private water supplies in all eleven council areas.

**Figure 1.3: Distribution of Registered Private Water Supplies by Council Area in 2020**

## Risk Assessment

The Regulations require a risk assessment to be carried out for each supply to identify areas where there may be potential risks to the water quality. This assessment includes the whole private water supply system, from source to the point where the water is used. These assessments are required to follow the same standard (BS:EN 15975-2<sup>1</sup>) as is used for the risk assessment of the public water supply.

The risk assessments of private water supplies are undertaken by Environmental Health staff, acting on our behalf. To ensure consistency of approach and competency, a web based application developed for the risk assessment of private water supplies was rolled out to local councils in early 2019 and training was subsequently delivered to relevant council staff. DWI provided formal training sessions and ad hoc guidance to councils in 2020 and a total of 75 risk assessments were progressed or completed on the new web application during 2020.

The information gathered through the risk assessment process is used to provide sites with an action plan to mitigate identified risks and to assist sites with the ongoing management of their water supplies. It can also be used to fine-tune the monitoring requirements for each site.

<sup>1</sup> BS:EN 15975-2: Concerning security of drinking water supply, guidelines for risk and crisis management

## Overall Drinking Water Quality

Drinking water regulations in Northern Ireland apply equivalent water quality standards to private drinking water supplies as to public water supplies. Although the number of private water supplies registered with us in 2020 was slightly higher than in 2019, the overall number of parameters analysed was lower than in the previous year. This was due to a reduction in sampling frequency requirements for several sites where the private water supply was not in use for part of the sampling year as a result of COVID-19 restrictions.

The results in Table 1.2 show that, out of a total of 14,982 tests carried out in 2020, 99.24% met the regulatory standards. The regulatory requirements were not met on 114 occasions for 21 parameters, namely: Coliform bacteria, Enterococci, *E. coli*, *Clostridium perfringens*, Hydrogen ion (pH), Manganese, Sodium, Iron, Nickel, Boron, Turbidity, Copper, Lead, Sulphate, Total trihalomethanes (THMs), Mercury, Nitrite, Fluoride, Chloride, Individual pesticides (total Atrazine total, Metribuzin and Phenanthrene) and Radon.

**Table 1.2: Overall Water Quality in Private Water Supplies in 2020**

Parameters	Determinations in 2020		
	Total Number of Tests	Number of Tests not Meeting the Standards	% Compliance
Coliform bacteria	303	27	91.09
<i>Clostridium perfringens</i>	177	7	96.05
<i>E. coli</i>	303	9	97.03
Enterococci	139	3	97.84
<b>Microbiological Total</b>	<b>922</b>	<b>46</b>	<b>95.01</b>
Hydrogen ion (pH)	303	20	93.40
Manganese	265	13	95.09
Sodium	139	5	96.40
Iron	266	9	96.62
Nickel	139	2	98.56
Boron	139	2	98.56
Turbidity	303	3	99.01
Copper	139	1	99.28
Lead	139	1	99.28
Sulphate	139	1	99.28
Trihalomethanes	139	1	99.28
Mercury	139	1	99.28
Nitrite	139	1	99.28
Fluoride	139	1	99.28
Chloride	139	1	99.28
Individual pesticides	7966	3	99.96
Other parameters	3049	0	100
<b>Chemical Total</b>	<b>13681</b>	<b>65</b>	<b>99.52</b>
Radon	106	3	97.17
Radioactivity	273	0	100
<b>Radiochemical</b>	<b>379</b>	<b>3</b>	<b>99.21</b>
<b>Overall Total</b>	<b>14982</b>	<b>114</b>	<b>99.24</b>

Under the private water supplies Regulations, the sampling frequency and suites of parameters analysed at a private water supply may be adjusted based on previous test results and any identified risks. As a consequence, many commercial / public supplies had been analysed for a

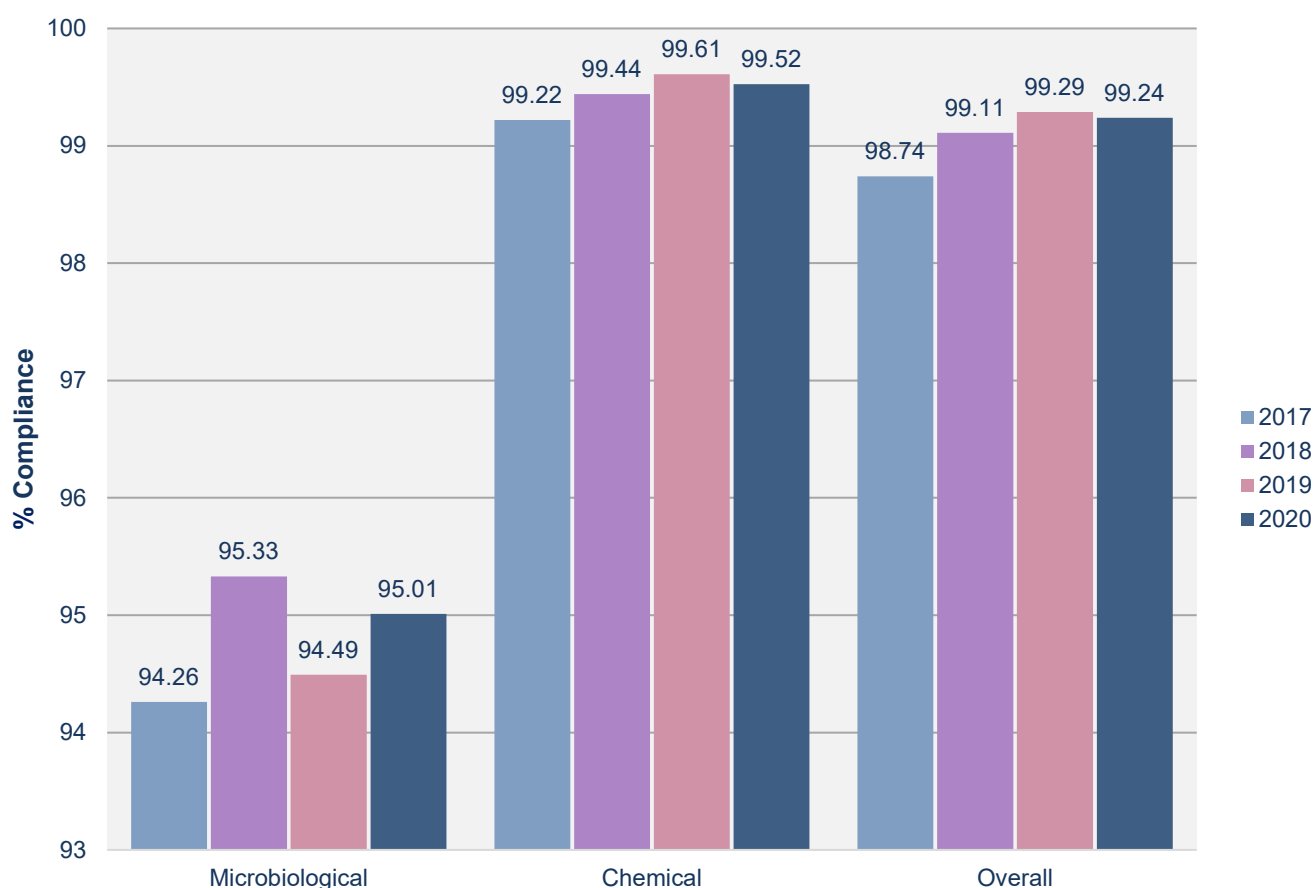
reduced suite of chemical parameters from 2012 to 2017. To carry out a review of this position, all supplies were returned to their full monitoring requirements in 2018 and this continued for 2019 and 2020. Following a review of the monitoring data, a subsequent reduction in parameters was reintroduced for 2021 using a risk based approach to determine the required analysis on a site by site basis.

Microbiological contraventions account for 46 (40.4%) of the 114 contraventions at private water supplies in 2020. There has been an increase in the level of overall microbiological compliance which is reported as 95.01% in 2020 compared to 94.49% in 2019 though it remains below the 95.33% reported in 2018, as illustrated in Figure 1.4.

Contraventions of the chemical standards have been reported for a range of parameters listed in Table 1.2. Overall, the number of chemical contraventions increased from 54 in 2019 to 65 in 2020. Consequently, there was a decrease in chemical compliance for 2020, 99.52% compared with 99.61% in 2019, also illustrated in Figure 1.4.

As with previous years, where the chemical standards have not been met, they relate mainly to contraventions for hydrogen ion, iron, manganese and sodium.

**Figure 1.4: Comparison of Compliance in Private Water Supplies, 2017 – 2020**



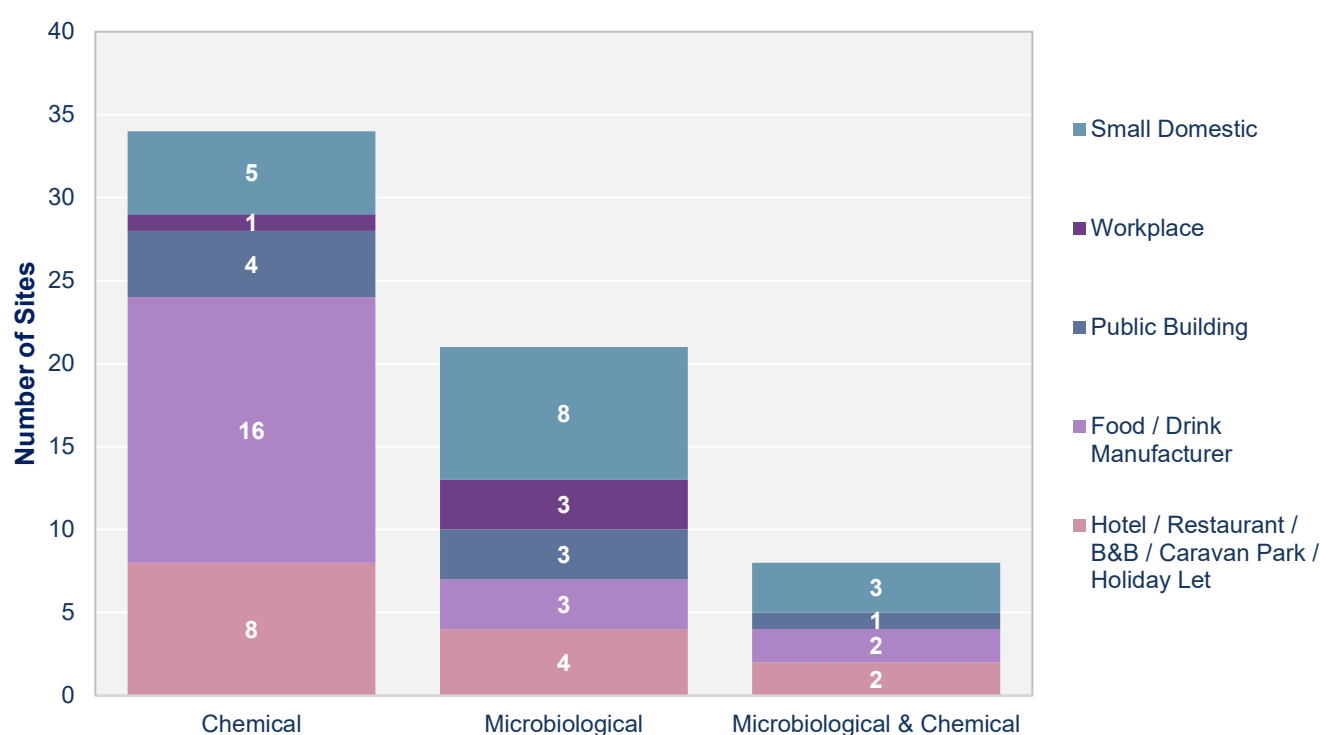
Full compliance was achieved for 64% (112 sites) of the private water supplies tested in 2020. Of the 63 sites which did not comply with the regulatory standards, 33% (21 sites) contravened microbiological standards; 54% (34 sites) chemical standards; and 13% (eight sites) failed to comply with both microbiological and chemical standards.

The categories of these non-compliant sites, presented in Figure 1.5, show that 85% chemical only contraventions occurred at commercial / public sites such as food / drink manufacturers, hotels, or holiday lets whereas for the microbiological only contraventions 38% were at small shared domestic supplies and 62% were at commercial/public sites.

The significance of each contravention not only depends on the category or size of the sites but often, more importantly, on the purpose for which the water is used at the sites. In summary, for the 63 sites which did not comply with all the drinking water quality standards in 2020:

- 47 use the private water supply as the primary source of drinking water;
- 5 use the private water supply as an ingredient in food or drink; and
- 11 use the private water supply for the washing of equipment and surfaces in contact with food or drink.

**Figure 1.5: Categories of Non-Compliant Private Water Supply Sites in 2020**



## Factors Affecting Drinking Water Quality

Different aspects of the water supply chain contributed to the microbiological and chemical water quality contraventions reported in 2020 such as: catchment (including source protection); treatment; distribution; and sampling point (tap) issues. During 2020, many premises were temporarily closed due to COVID-19 restrictions and we published [Guidance](#) to help ensure water quality was maintained when the water supply within the buildings was returned to use. Concurrently, all monitoring of the private water supplies had to be temporarily suspended and the annual monitoring programme was revised. Communication with supply owners focused on risk management and ensuring effective controls were in place, especially with a lower turnover of supply. Conversely, some premises (primarily food production) had to increase usage to meet the ever increasing demand on production.

Our guidance was issued to all public and commercial sites and, upon recommencement of the monitoring programme, only a small number of contraventions in 2020 were considered to be a direct consequence of deterioration in water quality related to temporary closures. Once the appropriate remedial actions were undertaken, as detailed in the guidance, the water quality issues were resolved.

## Micro-Organisms

The presence of micro-organisms in a private water supply is indicative of contamination of the water either at source or at some point within the distribution system. In particular, the detection of *E. coli* or enterococci bacteria specifically indicates faecal contamination of a water supply and can be a risk to public health. These faecal indicators were found to be present in 12 supplies during 2020, eight small shared domestic supplies with no treatment and four commercial/public supplies, two of which had disinfection treatment in place at the time of sampling.

Rural water supplies in the vicinity of where animals graze or manure is spread are most at risk. This is particularly prevalent at times of heavy rainfall, when water may run directly off farmland and carry micro-organisms into unprotected private supplies. Guidance on source protection is available in the [Private Water Supplies Technical Manual](#).

Poor microbiological quality also highlights where there is a lack of suitable treatment or the treatment installed is not being operated and maintained appropriately. The quality of the raw water is a key element in selecting the correct treatment for a private water supply which may require pre-treatment prior to disinfection.

## Metals

Although some brackish groundwaters contain sodium, elevated levels in water supplies are usually related to water softening processes. The regulatory standard is set for aesthetic reasons as elevated levels may give rise to taste problems. In 2020, five sites reported contraventions for sodium, all of which had water softening treatment processes.

Some groundwaters may contain high levels of naturally occurring iron and manganese. Iron levels can also be raised due to deterioration of cast iron pipe work and / or storage tanks within the distribution system. High levels of iron and manganese may affect the appearance, taste or smell of the water resulting in turbidity, colour, taste, and odour contraventions and discoloration or staining of water fittings. It can also affect treatment systems, such as ultra-violet lamps, due to metal deposits causing a reduction in their effectiveness for disinfection. Sites are advised to routinely purge wells / boreholes, clean out storage tanks and flush through pipe work or, where required, replace parts of their distribution network to reduce the levels of iron in their supplies. In 2020, 15 sites reported contraventions for one or both of these metals.

Lead, and other heavy metals such as nickel and copper, are usually detected at elevated levels due to corrosion of pipe work or fittings, especially if the source water is naturally acidic, and / or due to the use of inappropriate fixtures and fittings. In 2020, one site had a copper contravention due to inappropriate plumbing; two sites had nickel or nickel and lead contraventions likely due to reduced water turnover. The Regulations specify that only products and substances approved for use with drinking water supplies should be used.

The Drinking Water Inspectorate for England and Wales has published a list of approved products which are tested and approved under [Regulation 5](#).

## Pesticides

There were three individual pesticide contraventions in 2020: Atrazine (total), a herbicide previously used to control broad-leaved weeds and grasses; Metribuzin, a herbicide used to control weeds in crops; and Phenanthrene, a polycyclic aromatic hydrocarbon used in the production of pesticides which is also found in fossil fuels. Atrazine is no longer approved for use in the UK, and whilst the source was not identified the contravention may be due to historical usage of the herbicide in the vicinity of the site. The Metribuzin contravention was attributed to the spreading of potato processing sludge on lands in the vicinity of a borehole. The Phenanthrene contravention was potentially related to the location of a boiler in the vicinity of pipework for the borehole sample point. In addition to these contraventions, trace levels of a range of individual pesticides, below the regulatory limit of 0.10 µg/l, were also detected at 33 sites.

## Actions in the Event of Failure

Contraventions are investigated through site visits conducted by Environmental Health staff and the collection of follow up samples. Depending on the nature and significance of the contraventions, it may also be necessary for us to carry out a site inspection. Site inspections ensure owners / users of the supply are provided with practical advice on source protection and treatment options and best practice for the management of their water supply to reduce the potential risks of contamination.

Any contraventions at supplies, where the water is used as an ingredient in food production or as drinking water, and that are considered as a potential risk to human health, are reported to the Public Health Agency (PHA) for appropriate health advice. Where necessary, the Regulations contain a provision to issue Notices which can be used to restrict or prohibit the use of a supply.

Out of the 114 contraventions identified in 2020, 60 were notified to PHA for advice: 47 microbiological and 13 chemical. As a consequence, new restrictions on the use of the private water supply were put in place at 11 sites to protect public health. In addition, restrictions on use were initiated at one site as a result of unacceptable odour.

These restrictions of private water supplies can include switching to, or blending with, the public water supply (where this is available), 'Boil Water Before Use' notifications, and 'Do Not Use' instructions.

Removal of these restrictions requires investigation into the cause of the water quality contravention, completion of work to remedy any issues identified and the achievement of two consecutive satisfactory resamples. Accordingly, the restrictions were removed at 11 sites.

We continue to work with the owners and users of private water supplies and Environmental Health staff to bring the remaining supplies into compliance. Priority is given to advancing improvements to the water quality through: provision of advice and guidance; agreeing action

plans (particularly at the larger commercial / public sites); and promotion of Drinking Water Safety Plans (DWSP) for the ongoing management of these supplies.

We have a duty to ensure compliance with the water quality standards in The Private Water Supplies Regulations (Northern Ireland) 2017. Our approach, where there is no known health risk, is initially through informal negotiations. However, where necessary, we may take formal enforcement action to secure compliance and ensure a safe, clean supply of drinking water from private water supplies.

# Annexes

**Annex 1    Glossary**

**Annex 2    Events**

**Annex 3    Technical Audit Programme**

**Annex 4    Enforcement Action**



## Annex 1

### Glossary and Definition of Terms

Abstraction Point	The point at which water is abstracted from a lake, river or groundwater source for the purposes of drinking water production.
Aesthetic	Associated with the senses of taste, smell and sight.
Animalcule	A tiny or microscopic life form.
Atrazine (total)	A man made compound used as a herbicide in agriculture. 'Total' includes the relevant metabolites, degradation and reaction products.
Catchment	The area of land that drains into a watercourse.
Clopyralid	An herbicide used for controlling broad-leaved weeds such as docks and creeping thistle in grassland.
<i>Clostridium perfringens</i>	A spore-forming bacterium which is exceptionally resistant to unfavourable conditions in the water environment.
Coagulation	A process employed during drinking water treatment to assist in the removal of particulate matter.
Coliform bacteria	A group of bacteria which may be faecal or environmental in origin.
Contravention	A breach of the regulatory requirement.
Cryptosporidium oocyst	A protozoan parasite.
Determination	An analysis for a specific parameter.
Distribution Network	The system of mains water pipes bringing water from a water treatment works to service reservoirs and onwards to the consumer.
Drinking Water Quality Standards	The prescribed concentrations or values listed in the Regulations.
Drinking Water Safety Plan (DWSP)	A comprehensive risk assessment and risk management approach that encompasses all steps in water supply from catchment to consumer.
Enterococci	A sub-group of faecal streptococci commonly found in the faeces of humans and warm-blooded animals.
<i>Escherichia coli</i> ( <i>E. coli</i> )	A type of faecal coliform bacteria commonly found in the intestines of animals and humans. The presence of <i>E. coli</i> in water is a strong indication of recent sewage or animal waste contamination.

Event	A situation affecting, or with the potential to affect, drinking water quality.
Faecal Coliform	A sub-group of coliforms, almost exclusively faecal in origin.
Faecal Indicators	A group of organisms that indicate the presence of faecal contamination of a water supply eg <i>E.coli</i> .
Filtration	The separation of suspended particulate matter from a fluid.
Flocculation	A process where colloids come out of suspension in the form of a floc.
Granular Activated Carbon (GAC)	An absorbent filtration media used to remove trace organic compounds from water.
Groundwater	Water from aquifers or other underground sources.
Hydrogen ion (pH)	The degree of acidity of the water. A pH of 7 is neutral; values below 7 are acidic and above 7 are alkaline. A low pH water may result in pipe corrosion. This is corrected by adding alkali during water treatment.
Impounding reservoir	A raw water source from which water is abstracted for the purposes of drinking water production.
Incident	An event where there has been a demonstrable deterioration in the quality of drinking water.
Indicator Parameter	Something that is measured to check that the control measures, such as water treatment, are working effectively.
Leaching	To lose, or cause to lose, soluble substances by the action of a percolating liquid.
MCPA	An herbicide used for controlling broad-leaved weeds in grass or cereal crops.
Metribuzin	A broad-spectrum herbicide for control of certain grasses and broadleaf weeds.
Microbiological	Associated with the study of microbes.
m <sup>3</sup> /d	Cubic metres per day.
MI/D	Megalitres per day (one million litres per day).
µg/l	Micrograms per litre (one millionth of a gram per litre).
Parameters	The substances, organisms and properties listed in Schedules 1 and 2, and regulation 2 of the Regulations.
Pathogen	An organism which causes disease.

PC15	The third price control process whereby funding was allocated to NI Water by the Utility Regulator for the 2015 to 2021 period.
PC21	The fourth price control process whereby funding was allocated to NI Water by the Utility Regulator for the 2021 to 2027 period.
Pesticides	Any fungicide, herbicide, insecticide or related product (excluding medicines) used for the control of pests or diseases.
Phenanthrene	A polycyclic aromatic hydrocarbon (PAH) which may be used in the production of pesticides.
Powder Activated Carbon (PAC)	An adsorbent media typically used to remove taste and odour compounds during a water treatment process.
Price Control Process (PC)	The process for the funding of NI Water by the Utility Regulator for a set period.
Prescribed Concentration or Value (PCV)	The numerical value assigned to drinking water standards, defining the maximal or minimal legal concentration or value of a parameter.
Raw Water	Water prior to receiving treatment abstracted for the purpose of drinking water provision.
Remedial Action	The action taken to improve a situation.
Residence Time	The period of time treated water spends in clear water tank, service reservoir or other storage facility.
Service Reservoir	A water tower, tank or other reservoir used for the storage of treated water within the distribution system.
Supply Point	A point, other than a consumer's tap, authorised for the taking of samples for compliance with the Regulations.
Trihalomethanes (THMs)	A group of organic substances comprising, for the purposes of the Regulations, four substances: trichloromethane (also known as chloroform), tribromomethane (also known as bromoform), dibromochloromethane and bromodichloromethane.
Water Supply Zone	A pre-defined area of supply used for establishing sampling frequencies, compliance with standards and information to be made publicly available.
Wholesome/ Wholesomeness	A concept of water quality which is defined by reference to standards and other requirements set out in the Regulations.

## Annex 2 – Events

### Major Drinking Water Quality Events in 2020

Date of Major Event	Area and Estimate of Population/ Properties Potentially Affected	Nature and Cause of Serious Event	Associated Council Area(s)
11/03/20 Ongoing	Northern Ireland (1.9 million)	The ongoing COVID-19 pandemic had a serious impact on NI Water's monitoring programme. All regulatory sampling at consumer taps had to be stopped due to Covid-19 restrictions, with consumer tap samples taken at designated fixed points. Regulatory sampling was maintained at water treatment works and at service reservoirs.	All

### Serious Drinking Water Quality Events in 2020

Date of Serious Event	Area and Estimate of Population/ Properties Potentially Affected	Nature and Cause of Serious Event	Associated Council Area(s)
10/04/20 – 14/04/20	Fofanny WTW (93,272 population)	Taste and odour complaints were received from the Kilkeel, Ballymartin and Annalong areas due elevated chlorine levels from Fofanny WTW following a plant shutdown. DWI issued NI Water with a Warning Letter in relation to this event.	Newry, Mourne & Down District.
29/05/20 – 04/06/20	Northern Ireland (1.9 million)	High water demand in the network due to a period of particularly warm and dry conditions and exacerbated by the COVID-19 pandemic. A NI Water Category 1 Incident was declared. Alternative water supplies including asset to asset tankering was required.	All
06/08/20 – 14/08/20	High Tober SR (3,258 population)	Consumer complaints of discoloured water were received by NI Water following a malfunction of the inlet valve at High Tober SR. Samples taken in response to this event contravened the aluminium, iron, manganese and turbidity standards and levels above the Health Notification Values (HNVs) were detected.	Causeway Coast & Glens Borough.

**Significant Drinking Water Quality Events in 2020**

Date of Significant Event	Area and Estimate of Population/ Properties Potentially Affected	Nature and Cause of Significant Event	Associated Council Area(s)
05/01/20 - 06/01/20	Drumaroad WTW (427,497 population)	Elevated levels of aluminium occurred in the works final water. Following an investigation, NI Water was unable to identify the cause of the contravention. In our opinion it was most likely due to issues with the treatment process.	Belfast City; Lisburn & Castlereagh City; Newry, Mourne & Down District; and North Down & Ards Borough.
24/01/20 - 07/02/20	Rathlin WTW (296 population)	Contraventions of the taste parameter were reported in the works final water. NI Water's investigation was unable to determine a cause for the contraventions.	Causeway Coast & Glens Borough.
04/02/20 - 05/02/20	Drumaroad WTW (445,087 population)	Elevated levels of aluminium occurred in the works final water due to treatment difficulties following an unplanned shutdown.	Belfast City; Lisburn & Castlereagh City; Newry, Mourne & Down District; and North Down & Ards Borough.
02/03/20 - 05/03/20	Killyhevlin WTW (79,743 population)	<i>Cryptosporidium</i> oocysts were detected on two separate occasions in early March. There was insufficient evidence to determine their origin - they may have come from the raw water or from contamination at the works.	Fermanagh & Omagh District.
14/03/20 - 17/03/20	Tullybrannigan South SR (11,682 population)	A high number of consumer complaints regarding discoloured water were received in the Newcastle area. Samples taken in response to this event contravened the aluminium and manganese standards. Aluminium levels above the Health Notification Value (HNV) were reported. The event was caused by operational work at Tullybrannigan South SR to install a new inlet control valve.	Newry Mourne & Down District.
24/03/20 - 01/04/20	Killylane WTW (54,243 population)	Contraventions of the aluminium and iron parameters were reported in the works final water. Following an investigation, NI Water was unable to identify the cause of the contravention.	Mid & East Antrim Borough.

**Significant Drinking Water Quality Events in 2020**

<b>Date of Significant Event</b>	<b>Area and Estimate of Population/ Properties Potentially Affected</b>	<b>Nature and Cause of Significant Event</b>	<b>Associated Council Area(s)</b>
04/05/20 - 19/10/20	Carmony WTW (56,996 population)	Contraventions of the individual pesticide standard for MCPA occurred in the works final water. Carmony WTW has pesticide removal treatment in place which is normally effective at reducing MCPA levels to below the regulatory limit. The cause of these contraventions is undetermined.	Derry City & Strabane District.
04/05/20 – Ongoing	Derg WTW (38,989 population)	Contraventions of the individual pesticide standard for MCPA occurred in the works final water due to insufficient treatment. A Regulation 31(4) Notice has been issued by DWI in respect of this matter.	Derry City & Strabane District and Fermanagh & Omagh District.
12/05/20 - 28/05/20	Glenhordial WTW (12,040 population)	A contravention of the individual pesticide standard for MCPA occurred in the works final water. The pesticide removal treatment was not in operation at the time of this event.	Fermanagh & Omagh District.
28/05/20 - 29/05/20	Ballybriest SR (273 properties)	Tankering into Ballybriest SR was required after it “ran empty” following a planned shutdown at Lough Fea WTW.	Mid-Ulster District.
11/06/20 - 01/07/20	Ballinrees WTW (180,627 population)	Contraventions of the taste and odour parameters occurred in the works final water and related distribution due to insufficient treatment. A Regulation 31(4) Notice has been issued by DWI in relation to taste and odour contraventions at Ballinrees WTW.	Causeway Coast & Glens Borough & Derry City & Strabane District.
13/06/20 - 19/06/20	Drumaroad WTW/ Ards Trunk Main (186,890 population)	Contraventions of the aluminium parameter were reported in the Drumaroad WTW supply area following a burst on the Ards trunk main.	Newry, Mourne & Down District; and North Down & Ards Borough.
13/07/20 - 14/07/20	Drumaroad WTW (399,177 population)	A contravention of the aluminium parameter occurred in the works final water. Following an investigation, NI Water was unable to identify the cause of the contravention.	Belfast City; Lisburn & Castlereagh City; Newry, Mourne & Down District; and North Down & Ards Borough.

**Significant Drinking Water Quality Events in 2020**

Date of Significant Event	Area and Estimate of Population/ Properties Potentially Affected	Nature and Cause of Significant Event	Associated Council Area(s)
26/07/20 - 27/07/20	Dorisland WTW (136,954 population)	A contravention of the aluminium parameter occurred in the works final water following a failure of the lime dosing system which led to sub-optimal treatment.	Antrim & Newtownabbey Borough; Belfast City; and Mid & East Antrim Borough.
01/08/20 - 04/08/20	Killylane WTW (54,243 population)	Contraventions of the aluminium and turbidity parameters occurred in the works final water following treatment difficulties.	Mid & East Antrim Borough.
16/08/20 - 17/08/20	Ballinrees WTW (180,627 population)	Elevated levels of aluminium and turbidity occurred in the works final water following treatment difficulties caused by a dosing pump failure. NI Water has made improvements to its on-line monitoring to prevent a recurrence.	Causeway Coast & Glens Borough and Derry City & Strabane District.
18/08/20 - 20/08/20	Breda Trunk Main (9,154 population)	Low water pressure and loss of supply to some consumers including part of the Belfast City Hospital estate occurred following a burst main. NI Water carried out re-zoning exercises and provided Alternative Water Supplies.	Belfast City.
22/08/20 - 24/08/20	Derg WTW (38,989 population)	A contravention of the aluminium parameter occurred in the works final water following an issue with the lime dosing system which led to sub-optimal treatment.	Derry City & Strabane District and Fermanagh & Omagh District.
20/09/20	Killyhevlin WTW (79,743 population)	Following a power cut, a plant shutdown occurred and when the automatic start-up took place there was internal flooding of the main building. This led to a further plant shutdown. A NI Water Category 1 Incident was declared. Asset to asset tankering to Tattinbar and Cavanacross SRs was required to maintain supply.	Fermanagh & Omagh District.
08/10/20 - 09/10/20	Carmona WTW (56,996 population)	A <i>Cryptosporidium</i> oocyst was detected in the works final water. All subsequent samples were satisfactory.	Derry City & Strabane District.

**Significant Drinking Water Quality Events in 2020**

<b>Date of Significant Event</b>	<b>Area and Estimate of Population/ Properties Potentially Affected</b>	<b>Nature and Cause of Significant Event</b>	<b>Associated Council Area(s)</b>
13/10/20 - 20/10/20	Killyhevlin WTW (79,743 population)	Contraventions of the individual pesticide standard for MCPA occurred in the works final water and two associated service reservoirs. Killyhevlin WTW has pesticide removal treatment but it was by-passed at the time of these contraventions to facilitate work in relation to the installation of UV treatment.	Fermanagh & Omagh District.
26/10/20 - 29/10/20	Killylane WTW (54,243 population)	A contravention of the aluminium parameter occurred in the works final water following an issue with the lime dosing system which led to sub-optimal treatment.	Mid & East Antrim Borough.
11/11/20 – 09/12/20	Clay Lake WTW (9,881 population)	Contraventions of the individual pesticide standard for MCPA occurred in the works final water. Clay Lake WTW has pesticide removal treatment in place which is normally effective at reducing MCPA levels to below the regulatory limit. The cause of these contraventions is undetermined.	Armagh City Banbridge & Craigavon Borough District.
07/12/20 – 18/12/20	Killylane WSZ (626 properties)	Contraventions of the aluminium and iron parameters occurred in a regulatory sample taken at Slimero SR due to COVID-19 restrictions. The contraventions were caused by a low level in the SR.	Mid & East Antrim Borough.

## Annex 3

### Technical Audit Programme

In 2020, most of the technical audit inspection programme had to be suspended due to the COVID-19 pandemic. Only one audit was completed remotely. NI Water has implemented or provided comment on, the recommendations and suggestions we provided in our audit report.

The following table provides a summary of our 2020 Inspection Programme.

**Table 3.1: Summary of the 2020 Inspection Programme**

Date of Audit	Location	Audit Activity	Number of Recommendations <sup>1</sup>	Number of Suggestions <sup>2</sup>
26/11/20	Laboratory Information Management System	To check that data is adequately managed by the 'Laboratory Information Management System'.	2	2

<sup>1</sup> Recommendations are made where, in our opinion, action is required to avoid a foreseeable risk or a breach of a regulatory duty. If such a breach occurs, then we may consider 'enforcement action'. A formal written response from NI Water is required.

<sup>2</sup> Suggestions are made in relation to matters which relate to best practice.

## Annex 4

### Enforcement Action

The DWI Section of the [DAERA website](#) publishes details of all Enforcement actions.

**Table 4.1: Summary of Enforcement Actions 2020**

Type of Enforcement	Water Treatment Works (WTW)	Reason for Undertaking Or Notice	Summary
PEO <sup>1</sup> /18/01	Castor Bay WTW	Contravention of the standard for Odour	The Undertakings were completed on 16/04/20 and the <b>PEO closed</b> in May 2020.
Regulation 31(4) Notice 2020/001	Derg WTW	Contravention of the regulatory standard for the herbicide, MCPA	Requires NI Water to install and have operational, a treatment system at Derg WTW that is effective in the removal or reduction of MCPA to achieve a final water result that meets the maximum regulatory limit of MCPA of 0.10µg/l 2020 <b>by 31 March 2022</b> . This was issued on 30 June 2020 following the revocation of Regulation 31(4) Notice 01/19 on the same date.
Regulation 31(4) Notice 2020/002	Ballinrees WTW	Contravention of the regulatory standard for the herbicide, MCPA	Requires NI Water to install and have operational, a treatment system at Ballinrees WTW that is effective in the removal or reduction of MCPA to achieve a final water result that meets the maximum regulatory limit of MCPA of 0.10µg/l 2020 by 22 December 2023. This was issued on 17 December 2020 following the revocation of Regulation 31(4) Notice 03/19 on the same date.
Regulation 31(4) Notice 2020/003	Ballinrees WTW	Contravention of the regulatory standards for Taste and Odour	Requires NI Water to install and have operational, a treatment system at Ballinrees WTW that is proven to be effective in the treatment of taste and odour parameters to achieve a final water and consumer tap result that is acceptable to the consumer and there is no abnormal change by 22 December 2023. This was issued on 17 December 2020.

<sup>1</sup> PEO is a Provisional Enforcement Order issued under the Water and Sewerage Services (NI) Order 2006.

## Useful Information

(To access the information click on the links below)

[Regulatory Framework](#) – provides details and links to current legislation relating to drinking water quality.

[Drinking Water Quality Tables](#) – provides details of drinking water compliance within individual water supply zones.

Drinking Water Advice and Guidance for [Public](#) and [Private](#) Supplies – provides a list of links for consumers and professionals requiring further information on drinking water quality.

[Useful Contacts](#) – provides a list of organisations and contact details related to drinking water.

## Request for Feedback on this Report

### Did you find what you were looking for?

The Drinking Water Inspectorate is constantly aiming to improve the standard of information provided in this report.

Any views or opinions you may have would be highly valued by us and we would greatly appreciate your feedback.

Any feedback can be provided by either

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

or

Post: **Drinking Water Inspectorate  
Northern Ireland Environment Agency  
Klondyke Building  
Cromac Avenue  
Gasworks Business Park  
Malone Lower  
BELFAST  
BT7 2JA**

Drinking Water Inspectorate for Northern Ireland  
Resource Efficiency Division  
Northern Ireland Environment Agency  
Klondyke Building  
Cromac Avenue  
Gasworks Business Park  
Malone Lower  
Belfast BT7 2JA  
Tel: 028 9056 9282  
Email: DWI@daera-ni.gov.uk  
Email: privatewatersupplies@daera-ni.gov.uk  
www.daera-ni.gov.uk



## Stakeholder Feedback on the Drinking Water Inspectorate Annual Report for Drinking Water Quality in Northern Ireland, 2020

1. What is your name?

Name Environmental Health Department of Mid Ulster District Council

2. What is your email address?

If you enter your email address then you will automatically receive an acknowledgement email when you submit your response.

Email: [environmentalhealth@midulstercouncil.org](mailto:environmentalhealth@midulstercouncil.org)

3. What is your organisation?

Organisation

Mid Ulster District Council

4. Did you find the report useful?

(Required) ☒ Yes ☐ No

Please provide comments to explain your answer:

The report is clearly presented and includes relevant information on the quality of Drinking water in Northern Ireland. We support the independent assessment of drinking water quality carried out by DWI of both public and private water supplies.

5. Which sections are most relevant for your purposes?

Council are particularly interested in local information pertaining to the Mid Ulster District Council area. Regional maps are a useful way of depicting the reported information as it enables Council to readily identify the information for the Mid Ulster Council area. Further breakdown of the information by Council area would be welcomed.

6. Were you the most relevant person in your organisation to receive the report?

(Required) ☒ Yes ☐ No

Please advise if there is any other person or stakeholder you feel would benefit from receiving the report.

The report should be sent directly to the Environmental Health Department at [environmentalhealth@midulstercouncil.org](mailto:environmentalhealth@midulstercouncil.org)

7. Was the report easily accessed on the internet?

(Required) ☒ Yes ☐ No

8. Was the report layout appropriate i.e. did you feel the separate topics followed each other?

(Required) ☒ Yes ☐ No

9. Did you find the content user friendly and easy to follow i.e. enough detail for your needs?

(Required) ☒ Yes ☐ No

**Was the terminology used difficult to understand?**

(Required) ☐ Yes ☒ No

10. Are there any areas you feel should be included in the report, or could be covered in more detail?

(Required) ☒ Yes ☐ No

As referred to in our response to question 5 above, it would be useful to have a breakdown of some of the information per Council area, where it would be appropriate to do so. For example, Overall Drinking Water Quality is presented in pages 8 and 9 of the report. It would be useful to know how the statistics presented relate to this Council area in comparison with the regional position.

11. Do you have any further comments in relation to the Drinking Water Quality report?

(Required) ☐ Yes ☒ No

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Information provided by respondents will be held and used for the purposes of the administration of this current exercise and subsequently disposed of in accordance with the provisions of the Data Protection Act 2018 and General Data Protection Regulation.



<b>Report on</b>	Memorandum of Understanding (MOU) between the Department of Agriculture, Environment and Rural Affairs (DAERA) and Mid Ulster District Council in respect of certification of certain products of animal origin
<b>Date of Meeting</b>	6 <sup>th</sup> December 21
<b>Reporting Officer</b>	Fiona McClements

<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 inform Members of a request received from DAERA for a Memorandum of Understanding (MOU) between DAERA and Mid Ulster District Council in respect of certification of products of animal origin (Fish, Fishery products and composite products containing Fish and/or Eggs) (POAO). The MOU would include provision of support by Environmental Health for official certification of other POAO on behalf of DAERA in approved and registered (where applicable) establishments in Northern Ireland.
<b>2.0</b>	<b>Background</b>
2.1	In the United Kingdom, trade is a reserved matter held by the UK Government in Westminster. The lead department for trade across the agri-food sector is the Department of Environment, Farming and Rural Affairs (DEFRA). DEFRA, as the Central Competent Authority, delegate responsibility for governance and delivery of certification within Northern Ireland to the Department of Agriculture, Environment and Rural Affairs (DAERA).
2.2	<p><b>A. <u>Export Health Certificates (EHCs)</u></b></p> <p>In very broad terms, under the current regulations and agreements there are, in certain circumstances, requirements for Export Health Certificates to accompany goods. Most of the relevant products are certified by DAERA, and other officials authorised by DAERA, and some products are permitted to be certified by competent EHOs within local councils.</p> <p>EHCs are required to accompany certain commodities to Third Countries (TCs) and live animals and some animal products to member states within the EU. The division is broadly as follows:</p> <ul style="list-style-type: none"> <li>DAERA Official Veterinarians authorised as certifying officers (COs) certify meat and dairy POAO to third countries. DAERA Fish health Inspectors authorised as COs certify live aquaculture and aquatic germplasm. Authorised private veterinary practitioners (aPVP) authorised as COs certify live animals, animal by-products and germplasm to third countries.</li> </ul>

2.3	<ul style="list-style-type: none"> <li>Local Authority designated food competent Environmental Health Officers (EHOs) are authorised by DAERA as Food Competent Certifying Officers (FCCOs) to undertake official certification of fish, fishery products and composite fish and/or egg products on its behalf, issuing EHCs for export of this product to TCs. Councils undertake this work as a non-statutory function, with no further funding from DAERA.</li> </ul> <p><b>B. <u>Support Health Attestations (SHA)</u></b></p> <p>A Support Health Attestation is issued for each commodity at the premises of origin to specify that the POAO for export meets the requirements of the specific EHC for the final market destination. Intra UK movements of POAO (including from NI to GB) where the final product is intended for export from GB to the EU, including NI, after storage or further processing in GB, will require a Support Health Attestation (SHA) confirming that the product complies with the requirements of the EHC. SHAs can be issued by COs, either veterinarians or EHOs, who are specifically authorised by DAERA to do so. In some cases, for example for movement from NI to Ireland, a Background Certificate (BC) may be issued instead of an SHA. The division is broadly as follows:</p> <ul style="list-style-type: none"> <li>DAERA Veterinary Officers authorised as COs issue SHAs for meat, from premises where DAERA has a permanent presence; (slaughter premises and 3 cold stores) aPVPs authorised as COs can issue SHAs for meat, dairy, egg, and composite products from all other premises.</li> <li>EHOs authorised as FCCOs can issue SHAs for the movement of fish, fishery products, egg products and composite products containing egg and/or fish from NI to GB to support onward final certification from any premises.</li> </ul> <p><b>C. <u>Additional information request</u></b></p> <p>2.4</p> <ul style="list-style-type: none"> <li>In addition, DAERA has requested that, where required and appropriate, Councils will provide relevant information to a CO acting on behalf of DAERA, on technical food hygiene, traceability, and compliance matters in businesses under their jurisdiction. The purpose of this is to facilitate official certification for POAO other than fish, eggs, etc., for example, dairy POAO, being produced for export in establishments under Council jurisdiction and which an official veterinarian must certify. Exchange of information is proposed to take place under the provision of a Data Sharing Agreement (DSA) agreed between DAERA, Local Authorities and the Food Standards Agency (FSA).</li> </ul>
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<b>3.0</b>	<b>Main Report</b>
3.1	A draft MOU has been prepared by DAERA with comments from Environmental Health representatives. This will formalise the work that is currently ongoing between the two organisations and it will have a differing resource impact on each Council depending on businesses' need in each area. This is additional work for EHOs, which is unfunded and will be subject to DAERA monitoring. Local Authorities that undertake to deliver certification will be requested to sign the Agreement for all the certification activities undertaken by LAs on behalf of DAERA.
3.2	DAERA will authorise suitably qualified and trained officers employed by LAs to provide official export health certification and support health attestations for fish and fishery products, egg products and composite products containing fish and/or eggs to food business operators located within the LA's jurisdiction.
3.3	DAERA, in their role as the Competent Authority, and as part of standard governance procedures applied to all official certification issued on behalf of DAERA, will monitor the official certification issued by Councils against the agreed standards through an ongoing monitoring and assessment process. There may be additional planned monitoring of LA certification activities by DAERA, over and above routine monitoring, for example, in preparation for an incoming TC inspection of NI and DAERA competent authority export assurance procedures.
3.4	<p>As the nature of businesses within each council area differs, so does specific requirements for certification. Each local council has been requested to consider the following specific activities to be undertaken on behalf of DAERA. Councils may wish to agree to those activities relevant to their current business types or to help future proof the agreement consider all three activities if businesses may change in their Council areas. The activities are as follows:</p> <ul style="list-style-type: none"> <li>i. <b>Certification Activity 1:</b> provide <b>supporting information relating to Official Controls</b> on food hygiene, traceability, and compliance to facilitate official certification by other Certifying Officers acting on behalf of DAERA.</li> <li>ii. <b>Certification Activity 2:</b> issue <b>official Export Health Certification</b> destined for Third Countries outside the UK and EU for fish, fishery products, including live bivalve molluscs, egg products and composite products containing fish and egg products of animal origin.</li> <li>iii. <b>Certification Activity 3:</b> issue <b>Support Health Attestations</b> and / or Background Certificates within the UK, or to the EU, for fish and fishery products, including live bivalve molluscs, egg products and composite products containing fish and egg products of animal origin.</li> </ul>
3.5	Following a very basic survey across the NI councils, it would appear that to date the involvement in EH departments in Certification activity 1 and activity 3 ranges from none to occasional. However it has to be noted that with the current Avian flu status, it is the DVOs who process any Support Health attestations at present, but this may revert to EH departments when this situation changes.

3.6	It is recommended that consideration is given by members as to whether Mid Ulster District Council will continue to meet the resource demands for Activities1 and 2 which are currently occasional at most. Members may wish to request to reduce the review interval from an annual review to either 3 or 6 months to assess any emerging or potential demands on Councils.
<b>4.0</b>	<b>Other Considerations</b>
<b>4.1</b>	<b>Financial, Human Resources &amp; Risk Implications</b>
	Financial: N/a
	Human: Officer time to: <ul style="list-style-type: none"> <li>1) Visit premises requiring the certification or for which the assurances are sought and</li> <li>2) Complete and issue the required documentation</li> <li>3) Ongoing training to ensure competence upheld</li> </ul>
	Risk Management: It is not a statutory requirement for a Local Authority to provide certification and there is no funding at present from DAERA to provide it. Whilst it is recognised that it helps local businesses it is operated at council cost, members may wish to discuss further with DAERA the potential for funding councils for this work or consideration given to DAERA introducing a charging regime to cover costs. This function is already being carried out with demands on resources in one of the NI Councils.
<b>4.2</b>	<b>Screening &amp; Impact Assessments</b>
	Equality & Good Relations Implications: N/a
	Rural Needs Implications: N/a
<b>5.0</b>	<b>Recommendation(s)</b>
5.1	It is recommended that Council note the content of the report and if approved then enter into the Memorandum of Understanding with DAERA.
5.2	Whilst Health certification has not been requested by MUDC businesses to date, should that happen then Members may wish to explore further with DAERA how this resource can be sustained in the longer term through potential funding from DAERA or through DAERA introducing a charging regime to cover costs.
<b>6.0</b>	<b>Documents Attached &amp; References</b>
6.1	Appendix 1 – Memorandum of Understanding (MOU) between the Department of Agriculture, Environment and Rural Affairs (DAERA) and Mid Ulster District Council in respect of certification of certain products of animal origin, and provision of support for official certification of other POAO on behalf of DAERA, in approved and registered (where applicable) establishments in Northern Ireland.



## **Memorandum of Understanding**

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

And ***[Insert Local Authority / LA name]***

In respect of **Certification of Products of Animal  
Origin (Fish, Fishery products and  
composite products containing  
Fish and/or Eggs) and provision of  
support for official certification of  
other POAO on behalf of DAERA**

in **Approved and registered (where  
applicable) establishments in  
Northern Ireland**

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**Annex 3 - Certification Standards for Monitoring and Assessment**

**Annex 4 - Data sharing agreement**

## Glossary

Abbreviation	Meaning
AAHP	Aquatic Animal Health Professionals
aPVP	authorised Private Veterinary Practitioner
APHA	Animal & Plant Health Agency
CIEH	Chartered Institute of Environmental Health
CO	Certifying Officer
CSO	Certification Support Officer
DAERA	The Department of Agriculture, Environment and Rural Affairs
DECOL	DAERA Export Certification On Line
DEFRA	The Department of Environment, Food and Rural Affairs
DoF	Department of Finance
EHC	Export Health Certificate
EHNI	Environmental Health Northern Ireland
EHO	Environmental Health Officer
EU	European Union
FBO	Food Business Operator
FCCO	Food Competent Certifying Officer
FIEPH	Food Imports, Exports and Port Health
FSA	Food Standards Agency
HMRC	Her Majesty's Revenue and Customs
LA	The Local Authority: The Borough, City or District Council
NFG	Notes for Guidance
NICS	Northern Ireland Civil Service
OV	Official Veterinarian (DAERA)
POAO	Products of Animal Origin
PVP	Private Veterinary Practitioner
ROI	Republic of Ireland
SHA	Support Health Attestation
SOLACE	Society of Local Authority Chief Executives
TCSO	DAERA Trade Certifying Support Officer
TC	Third Country
VSAHG	Veterinary Service Animal Health Group

## 1 Parties to the Agreement

- 1.1 This Memorandum of Understanding (MOU) is between the Department of Agriculture, Environment and Rural Affairs (DAERA) and the Local Authorities (LAs) in Northern Ireland named above, and listed in Annex 1, who have undertaken to work in partnership with, and on behalf of, DAERA to provide official certification services to local businesses within each LA's jurisdiction.
- 1.2 For the purposes of this document, this Memorandum of Understanding will hereinafter be referred to as the 'Agreement'. The parties to this Agreement are [Insert Name of Local Authority] and DAERA hereinafter referred to as "the Parties".

## 2 Purpose

### Third Country export certification

- 2.1 In the United Kingdom, trade is a reserved matter held by the UK Government in Westminster. The lead department for trade across the agri-food sector (live animals, products of animal origin (POAO), germinal products and animal by products) is the Department of Environment, Farming and Rural Affairs, (Defra). Defra, as the Central Competent Authority, delegate responsibility for governance and delivery of certification within the territory of Northern Ireland to the Department of Agriculture, Environment and Rural Affairs (DAERA). **Export Health Certificates (EHCs)** are required to accompany certain commodities to Third Countries (TCs) and live animals and some animal products to member states within the EU.
- 2.2 DAERA Official Veterinarians authorised as certifying officers (COs) certify meat and dairy POAO to third countries. DAERA Fish Health Inspectorate (FHI) authorised as COs certify live aquaculture and aquatic germplasm. Authorised Private Veterinary Practitioners (aPVP) authorised as COs certify live animals, animal by products and germplasm to third countries.
- 2.3 Local Authority designated food competent Environmental Health Officers (EHOs) are authorised by DAERA as **Food Competent Certifying Officers (FCCOs)** to undertake official certification of fish, fishery products and composite fish and/or egg products on its behalf, issuing EHCs for export of this product to TCs. LAs undertake this work as a non-statutory function, with no further funding from DAERA, in pursuit of their overarching responsibilities to support communities and the local economy.

## **Support of Official Certification by other COs**

- 2.4** In addition, DAERA has requested that, where required and appropriate, LAs will provide relevant information to a CO acting on behalf of DAERA, on technical food hygiene, traceability and compliance matters in businesses under their jurisdiction. The purpose of this is to facilitate official certification for POAO other than fish, eggs, etc., for example, dairy POAO, being produced for export in establishments under LA jurisdiction and which must be certified by an official veterinarian. Such COs may be employed either directly by DAERA or acting on behalf of DAERA, for example, an authorised Private Veterinary Practitioner (aPVP). This work complements the activities of Environmental Health Officers who have statutory roles in delivery of Official Controls under Regulation (EU) 2017/625, as authorised by the Food Standards Agency, UK. This exchange of information will take place under the provision of a Data Sharing Agreement (DSA) agreed between DAERA, Local Authorities and the Food Standards Agency (FSA).

## **Export certification following EU Exit Transition Period**

- 2.5** The UK/EU Withdrawal Agreement, which includes the Ireland / Northern Ireland Protocol (the Protocol) sets out how Northern Ireland's exit from the European Union (EU) will work and provides that while the whole of the UK will leave the Customs Union, Northern Ireland will align with EU Regulations on goods and customs.
- 2.6** Under the Protocol, Northern Ireland (NI) will, in effect, be required to maintain regulatory alignment with the EU on the application of Sanitary and Phytosanitary (SPS) measures. SPS measures refer to the system in place to manage disease risks and maintain traceability, safety and standards in the food chain. They are comprised of a wide range of controls including regulation, infrastructure and systems of auditing, certification and inspection. As such, they are important to international trade in live animals, products of animal origin, animal by-products, feedstuffs, plants and plant products and residues.
- 2.7** The detailed arrangements to support implementation of the Protocol have been determined through Specialised and Joint Committee structures of the EU and UK Governments.
- 2.8** Post transition, the movement of goods and products between Great Britain and Northern Ireland will be determined by the existence, nature and extent of any such future free trade agreement between the UK and the EU.
- 2.9** Since the UK's departure from the EU on 31 December 2020, the EU now lists Great Britain as a third country (TC). Consequently, the EU now applies SPS checks on goods entering the EU from Great Britain in line with those checks prescribed for TCs as currently set out in EU law, for example, in the Official Controls Regulation (EU) 2017/625 (OCR).
- 2.10** Post transition, in accordance with EU law, products of animal origin (POAO) moving from GB into the EU (including NI), will therefore require an export health certificate (EHC).

- 2.11** As part of unfettered access provided under the NI Protocol, it is expected that no additional SPS documentation will be required for POAO moving from NI to GB, for consumption on the GB internal market. **Requirements for entry to GB and for transit of goods moving from NI to EU via GB, post 01 October 2021, have still to be confirmed by Defra.**
- 2.12** Intra UK movements of POAO (including from NI to GB) where the final product is intended for export from GB to the EU, including NI, after storage or further processing in GB, will require a **Support Health Attestation (SHA)** confirming that the product complies with the requirements of the EHC. This will allow for completion of the final EHC from GB to EU.
- 2.13** A Support Health Attestation is issued for each commodity at the premises of origin to specify that the POAO for export meets the requirements of the specific EHC for the final market destination. It allows completion of EHCs in GB, for POAO moving to EU, or back to NI. SHA can be issued by COs, either veterinarians or EHOs, who are specifically authorised by DAERA to do so. In some cases, for example for movement from NI to Ireland, a **Background Certificate (BC)** may be issued instead of an SHA.
- 2.14** DAERA Veterinary Officers authorised as COs issue SHAs for meat, from premises where DAERA has a permanent presence; aPVPs authorised as COs can issue SHAs for meat, dairy, egg and composite products.
- 2.15** EHOs authorised as FCCOs can issue SHAs for the movement of fish, fishery products, egg products and composite products containing egg and /or fish from NI to GB to support onward final certification.
- 2.16** LAs may use **Certification Support Officers (CSOs)** who have been suitably authorised by DAERA to support the FCCOs in gathering evidence for certification. This applies to the issue of **both EHC and SHA (incl. BC).**

### **Other certification of goods by LAs**

2.17 The provision of unofficial certification for POAO, in other words, that which is not agreed between the importing and exporting competent authorities, or which is not authorised by DAERA, is not within the scope of this Agreement. This may apply to certification of both POAO and foods not of animal origin.

## **3 Commencement of the Agreement**

- 3.1** This Agreement commences on **[Insert date XX XX 2021]** and will be subject to annual review. Any amendments required will be dealt with as per sections 8 or 10 of this Agreement.

## **4 Principles behind the Agreement**

- 4.1** It is not a statutory requirement for a Local Authority to provide certification however all Local Authorities which undertake to deliver certification must be party to this Agreement. The Agreement relates to all certification activities undertaken by LAs on behalf of DAERA.

- 4.2 The Agreement cannot have any legal effect but all parties to the Agreement will act in accordance with it. In committing to this agreement, the LA is agreeing to comply with the international standards of certification which DAERA uphold and to deploy only suitably authorised FCCOs to issue certification. These are specified in Annex 2.
- 4.3 DAERA will authorise suitably qualified and trained officers employed by LAs to provide official export health certification and support health attestations for fish and fishery products, egg products and composite products containing fish and/or eggs, to food business operators located within the LA's jurisdiction.
- 4.4 The LA will maintain a programme of Official Control inspections, as specified in the FSA Food Law Code of Practice (NI) and associated FSA Practice Guidance (NI), at all establishments exporting products of animal origin where they are the enforcement authority.

## 5 Review, Governance and Management of the Agreement

- 5.1 Key contacts with responsibility for this agreement and email addresses for reporting issues are identified in Section 13.
- 5.2 The Memorandum of Understanding will be reviewed and operational delivery will be monitored on an annual basis. However, additional reviews can be carried out at 3 month intervals at the request of either party. This will be facilitated at a meeting of the Environmental Health Northern Ireland (EHNI) group, which the DAERA representative(s) will attend by prior arrangement. The annual review should take place within 3 months of the end of the financial year, i.e. during April – June.
- 5.3 Technical issues relating to delivery will be discussed at the **Food Imports, Exports and Port Health (FIEPH)** technical sub-group meetings. These usually occur at a bimonthly frequency at which DAERA representatives are in routine attendance
- 5.4 Either Party may raise, at any time, urgent issues that cannot be held over until the next meeting.
- 5.5 The Parties will, as soon as reasonably practicable, inform each other when they become aware of any deficiency in the quality of the service and will take immediate steps to investigate and resolve any problems. The Party causing the deficiency is under a duty to resolve the deficiency within a period agreed with the other Party. The procedure at Section 10 will be used to resolve any dispute.

## 6 Information and Records Management

- 6.1 The LA shall retain a copy of the issued certificate or attestation and supporting documentation and any other relevant information for a minimum of three years from date of issue.

- 6.2** Documentary evidence collected in support of the certification process is considered commercially sensitive and the LA must ensure the security of the data is maintained in line with the General Data Protection Regulation 2016.
- 6.3** All such records may be stored electronically and, in such cases, there is no requirement for a hard copy. In addition, scanned copies of EHCs issued through DECOL should be uploaded to the relevant application within DECOL
- 6.4** The LA shall make records available to DAERA for inspection by arrangement with DAERA's Principal Agreement Manager.

## **7 Data Protection and Data Sharing**

- 7.1** DAERA takes data protection, freedom of information and environmental information issues seriously. It takes care to ensure that any personal information is processed in a way which complies with the requirements of the General Data Protection Regulation 2016 and the Data Protection Act 2018. This means that any personal information shared should only be processed for the purpose for which it has been provided unless permission is granted by DAERA as the Data Controller.
- 7.2** DAERA's Privacy Statement can be found at:-  
<https://www.daera-ni.gov.uk/publications/daera-privacy-statement-document>
- 7.3** The LA and DAERA agree to share data as per the data sharing agreement for certification services. Please see Annex 4.
- 7.4** The LA may not make any press announcements or publicise this agreement without the prior written consent of DAERA.

## **8 Termination of the Agreement**

- 8.1** Any request by the LA or DAERA to cease or suspend the delivery of certification provided by the LA under this agreement must be made in writing and a period of notice must be given of not less than three months, unless an alternative termination period is jointly agreed between Parties.
- 8.2** Both Parties acknowledge that requirements for export health certification and support health attestations to GB / EU will be determined by ongoing discussions around implementation of the Northern Ireland Protocol the outcome of which may result in additional certification services.

## **9 Emergency situations**

Force Majeure<sup>1</sup> where unforeseen events occur out-with the LA's control, the LA shall take all necessary measures to ensure continuance of delivery of certification wherever possible. Where this is not possible, the LA should inform DAERA as soon as it becomes aware.

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<sup>1</sup> For the purposes of this Agreement, the expression “Force Majeure” shall mean any happenings or non-happenings which could not be anticipated and are beyond the LAs’ control including civil disturbance, flood or other weather –related circumstances.

## **10 Disputes**

- 10.1** Issues arising which affect the essence or interpretation of this Agreement or the delivery of certification activities by the LA, and/or where agreement cannot be reached, shall be firstly referred to the Principal Contacts identified in Section 13.
- 10.2** If they cannot agree, the matter shall then be referred to DAERA's Director of International Trade Facilitation Division and the EHNI representative of the Local Authority.
- 10.3** In the event of a further failure to reach agreement, the LA Chief Executive and the Chief Veterinary Officer of DAERA will be asked to adjudicate.

## **11 DAERA Monitoring of LA Activities covered by this Agreement**

- 11.1** As the competent authority for official certification DAERA must ensure that the internationally recognised standards of certification are upheld by all certifying bodies and officials authorised to issue official certification. Ongoing monitoring and assessment of official certification issued will be made against the agreed standards referred to in Annex 2 and listed in Annex 3. A DAERA checklist may be provided to the LA to indicate the type of monitoring checks which are routinely carried out.
- 11.2** Any additional planned audit of LA certification activities by DAERA, over and above routine monitoring shall be notified in advance to the LA, for example, in preparation for an incoming TC inspection of NI and DAERA competent authority export assurance procedures. In advance of such an audit, terms of reference will be agreed and provided to the LA. Where available, an audit checklist will be used to achieve the objectives specified in the audit scope. Where non-compliances are found, or suspected, site visits may be necessary.
- 11.3** The LA shall, on request, make available in a timely manner, to DAERA's auditors, relevant records and documents relating to visits or other services carried out under this Agreement.
- 11.4** DAERA will report any findings to the Lead FCCO of the relevant LA, and liaise with the relevant LA and issuing FCCO to achieve full compliance with the standards. As with all categories of CO, DAERA may suspend or withdraw authorisation of a Food Competent Certifying Officer, where there is evidence of non-compliance.
- 11.5** Where appropriate, DAERA may report these findings to the EHNI group in an anonymised manner, where it is possible to do so, without compromising the identity of an individual LA.

## 12 Gifts, Hospitality and Fraud

**12.1** Officers employed or acting on behalf of the LA must abide by the LA's Code of Conduct in relation to matters which might reasonably be seen to compromise the individual's personal judgement or integrity in carrying out certification on behalf of DAERA. Local Authorities should ensure that there is no conflict of interest for FCCOs carrying out certification activities.

## 13 Contacts

### 13.1 Principal Contacts

DAERA	LA / Local Authority
DVO Trade Certification and Standards Name: Heather Boyd Email address to contact or report issues to DAERA: <a href="mailto:heather.boyd@daerani.gov.uk">heather.boyd@daerani.gov.uk</a>	LA Lead Food Officer (Hygiene)  Name: <span style="color: red;">[Insert name]</span> Email address to contact or report issues to LA: <span style="color: red;">[Insert email address]</span>

### 13.2 Signatories to the Service Level Agreement (SLA)

Signed on behalf of the DAERA	Signed on behalf of the LA
Signature: _____ Date: _____ <span style="color: red;">XX</span> 2021	Signature: _____ Date: _____ <span style="color: red;">XX</span> 2021
Name in Capitals: _____ <span style="color: red;">XX</span> DAERA of Agriculture, Environment & Rural Affairs Dundonald House Upper Newtownards Road Ballymiscaw Belfast BT4 3SB	Name in Capitals: _____ <span style="color: red;">XX</span> <span style="color: red;">Enter Local Authority details</span>

## **Annex 1 – Types of certification activity provided:**

**The following specific activities may be undertaken by a Local Authority on behalf of DAERA:**

- i) **Certification Activity 1:** provide **supporting information relating to Official Controls** on food hygiene, traceability and compliance to facilitate official certification by other Certifying Officers acting on behalf of DAERA.
- ii) **Certification Activity 2:** issue **official Export Health Certification** destined for Third Countries outside the UK and EU for fish, fishery products, including live bivalve molluscs, egg products and composite products containing fish and egg products of animal origin.
- iii) **Certification Activity 3:** issue **Support Health Attestations** and / or Background Certificates within the UK, or to the EU, for fish and fishery products, including live bivalve molluscs, egg products and composite products containing fish and egg products of animal origin.

**The following are the NI Local Authorities who may undertake the activities above:**

Antrim and Newtownabbey Borough Council

Ards and North Down Borough Council

Armagh City, Banbridge and Craigavon Borough Council

Belfast City Council

Causeway Coast and Glens Borough Council

Derry City and Strabane District Council

Fermanagh and Omagh District Council

Lisburn City and Castlereagh Borough Council

Mid and East Antrim Borough Council

Mid Ulster District Council

Newry, Mourne and Down District Council

## Agreement of Certification Activity with the Local Authority

Name of Local Authority	Activity 1 Certification support from Official Controls to other COs	Activity 2 Export Health Certification to Third Countries	Activity 3 Support health Attestations/ Background Certificates to UK / EU
<i>[Insert name of LA]</i>	Yes / No*	Yes / No*	Yes / No*

\*Delete as appropriate

## **Annex 2 – Legal requirements and specification for the certification activities**

DAERA, as the competent authority for official certification, must ensure that the internationally recognised standards of certification are upheld by all certifying bodies and officers authorised by DAERA to issue official certification on its behalf.

### **Governance of certification**

Article 5 of Official Controls Regulation (EU) 2017/625 (OCR) sets out the general obligations for competent authorities to have procedures in place to ensure the effectiveness, impartiality, quality and consistency of official controls and official activities at all levels and to ensure that those performing the activities are appropriately trained, authorised and free from conflict of interest.

In addition, Article 6 of OCR requires the competent authority to carry out internal audits or arrange for audits of its delivery to be carried out.

DAERA Trade Programme Governance unit monitors and assesses certification issued by all categories of CO to assure the quality and effectiveness and that international standards are met.

### **[Regulation EU 2017/625 OCR](#)**

### **Certification standards**

- Official Control Regulations

The standards of certification are set out in Articles 88 – 91 of OCR.

- World Organisation for Animal Health (OIE)

The World Organisation for Animal Health (OIE) sets specific requirements for the issue of official certification

[Terrestrial Code Online Access - OIE - World Organisation for Animal Health](#)

[Aquatic Code Online Access - OIE - World Organisation for Animal Health](#)

- Royal College of Veterinary Surgeons

The Royal College of Veterinary Surgeons' Ten Principles of certification set out the standards required for all veterinary certification. DAERA applies these standards, where applicable, to all official certification issued on its behalf.

[RCVS Principles of Certification and Supporting Guidance](#)

**Key standards of certification have been identified and are listed in Annex 3. These are used to monitor and assess delivery of official certification.**

### Annex 3 Certification Standards for Monitoring and Assessment

Delivery of these official activities on behalf of DAERA will be assessed for each participating LA against targets as outlined below.

	Standard assessed	Target	Green	Amber	Red	Priority
1	Provision of accurate export health certification as prescribed.	All certificates to be completed, in full, as prescribed.  (DAERA will monitor via DECOL)	All certificates comply with requirements.  No rejected consignments by importing country	No rejected consignments by importing country  More than 1 requests for replacement certs due to errors in issuing per quarter	Consignment(s) rejected  Failure to keep true copies of certificates  Issuance of certificates without correct support	1
2	Where risk-based certification implemented, as per Risk Based Fish Export certification procedures (RBFEC) maintain a system of inter-audit inspections at the frequency set out in the risk based certification procedure	All relevant exporting establishments to have inspections carried out as set out in the risk based certification guidance.	Records of official controls and export related inspections available to support RBFEC approach. FCCO issuing certificate familiar with the site and/or records and certification requirements of the TC for relevant commodity		Certification issued by an unauthorised undesignated person.  Records not maintained to show evidence of Risk based inspections and certification	1
3	To ensure the correct frequency of trade related inspections and FSA Official Controls inspections and any other necessary mandated routine inspections	FSA approval is maintained on the basis of compliance with Official Controls	All official control and trade related Audits and Inspections are completed on time(within 28 days as per Food Law COP)	Slippage of Audit /Site inspection by more than 28 days (4 weeks) of due date	Official control or trade related audits and inspections not completed within 6 weeks of due date	1
4	Annual completion of conformity statement	On an annual basis (end of March) the LA will update the Department that FBOs under their Control meet regulatory requirements	Conformity statement issued on time.	Conformity statement late up to 2 weeks	Conformity statement not provided by end of April	2

5	Notification of all major non-compliances detected, or formal enforcement action taken, in all exporting establishments for which the LA is the enforcement authority to be reported to DAERA, where this non-compliance may result in temporary withdrawal of certification	All major non-compliances detected, scores >10 or broadly non-compliant or formal enforcement action taken, to be reported to DAERA as soon as reasonably practicable	Within one week/ 5 working days	Between 6 and 10 working days	More than 10 working days	
6	All completed certificates to be uploaded to DECOL	Completed certificates uploaded to DECOL	Within 1 working days	Within 2-5 working days	More than 5 working days	2

## Annex 4 – Data Sharing Agreement

### Between DAERA, FSA and LAs

Original DSA agreed and signed February 2020, currently under review to include reference to DAERA Environment Marine Fisheries Group, Support Health attestations and FSA data base of NI exporters.

To be inserted once agreed



<b>Report on</b>	Consultation on the Reduction of Single Use Plastic Beverage Cups and Food Containers
<b>Date of Meeting</b>	6 <sup>th</sup> December 2021
<b>Reporting Officer</b>	Mark McAdoo, Assistant Director – Environmental Services
<b>Contact Officer</b>	Karl McGowan, Waste Disposal and Contracts Manager

<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 seek approval to submit a response to a Consultation on the Reduction of Single-Use Plastic Beverage Cups and Food Containers.
<b>2.0</b>	<b>Background</b>
2.1	The Department of Agriculture, Environment and Rural Affairs (DAERA) has published a consultation on proposals for the Reduction of Single-Use Plastic (SUP) Beverage Cups and Food Containers in Northern Ireland. The response deadline is 17 <sup>th</sup> December 2021.
2.2	The consultation has been designed collaboratively with WRAP (the Waste and Resources Action Programme) to consider a number of policy options on the most effective way to ensure a substantial reduction in the use of SUP beverage cups and food containers. The Department aims to encourage a more sustainable environment and circular economy for everyone across NI and the reduction in usage of all SUP beverage cups and food containers will help to contribute to these targets.
2.3	The Department is seeking views on the suggested policy options to ensure the most effective method of reducing the consumption of SUP beverage cups and food containers is identified. The responses to the consultation will be used to determine the best policy options to help to promote the reduction in SUP items. The goal of the policy is to reduce the use of the targeted types of SUP packaging and to encourage the wider take up of multi-use (MU) and/or single-use non-plastic (SUNP) alternatives.
<b>3.0</b>	<b>Main Report</b>
3.1	The high functionality and relatively low cost of plastic means that this material is increasingly used in everyday life. While plastic plays a useful role and provides essential applications in many sectors, it is increasingly used in short-lived

	<p>applications, which are not designed for re-use or cost-effective recycling. The steady increase in plastic waste generation and the leakage of plastic waste into the environment, in particular into the marine environment, must be tackled in order to achieve a circular life cycle for plastics. The significant negative environmental, health and economic impact of certain plastic products calls for the setting up of a specific framework to effectively reduce those negative effects.</p>
3.2	<p>Keep Northern Ireland Beautiful (KNIB) carried out Northern Ireland's first Litter Composition Survey in 2019. This DAERA-funded analysis identified that, at any one time, there are an estimated 600,000 items of packaging litter on the streets of Northern Ireland. Of this, 31,841 items, or 5.2%, were calculated to be single-use cups containing plastic, and 19,982 items, or 3.3%, were calculated to be plastic food packaging. These findings are supported by the results of KNIB's annual litter and marine litter surveys. The 2020 Marine Litter Report notes that 67% of all observed litter was plastic, and KNIB's litter survey (June to August 2020) found an increase in the littering of SUP packaging and cutlery.</p>
3.3	<p>The consultation considers the range of SUP beverage cups and food containers which are available. The definition of beverage cups for purposes of the consultation is cups for beverages, including their covers and lids. These might include take-away coffee cups and lids, or milkshake cups and covers, for example. The definition of food containers for purposes of the consultation is food containers, i.e. receptacles such as boxes, with or without a cover, used to contain food which:</p> <ul style="list-style-type: none"> <li>(a) is intended for immediate consumption, either on-the-spot or take-away,</li> <li>(b) is typically consumed from the receptacle, and</li> <li>(c) is ready to be consumed without any further preparation, such as cooking, boiling or heating, including food containers used for fast food or other meal ready for immediate consumption, except beverage containers, plates and packets and wrappers containing food.</li> </ul>
3.4	<p>The food containers have then been divided into two scopes as detailed below:</p> <ul style="list-style-type: none"> <li>• Scope 1 includes food containers that are filled at point of sale (e.g. plastic trays for chips, plastic boxes used at salad bars). Consumers would have a choice here to use a SUP food container or use an alternative.</li> <li>• Scope 2 includes pre-filled SUP food containers, used for pre-packaged, prepared foods in shops (e.g. a pre-packaged sandwich, salad bowl or prepared fruit box). Consumers would therefore not have an alternative option when purchasing their food.</li> </ul>
3.5	<p>The primary objective of the proposals is to influence customer behaviour to promote a significant reduction in usage of SUP beverage cups and food containers. The Department worked with WRAP to consider a range of proposals in identifying the most effective options for a sustained and substantial reduction in the use of SUP beverage cups and food containers.</p>
3.6	<p>Three policies were modelled for both SUP beverage cups and food containers:</p>

3.7	<ul style="list-style-type: none"> <li>• A ban on their use,</li> <li>• A levy of 25p on each cup and 50p on each food container, and</li> <li>• A voluntary scheme or schemes implemented by businesses that make use of SUP cups or food containers, which may comprise a range of charges for cups/food containers, discounts for re-usable cups/food containers and communication efforts. This is modelled as having the same effect as a 10p levy for a beverage cup and 25p for a food container.</li> </ul> <p>The proceeds of any levy will be collected and processed by DAERA and used to both promote and sustain the wider NI environmental sector. The levy will be reinvested to support a broad range of local and country wide environmental projects, supporting small, medium, and large projects funded through the NI Environment Fund, which enables not for profit organisations and councils to deliver key environmental interventions.</p>
3.8	<p>The consultation document can be found using the following link:</p> <p><a href="https://www.daera-ni.gov.uk/consultations/consultation-reduction-single-use-plastic-beverage-cups-and-food-containers">https://www.daera-ni.gov.uk/consultations/consultation-reduction-single-use-plastic-beverage-cups-and-food-containers</a></p>
3.9	<p>A proposed consultation response by the Council is included as an appendix, with a general overview of the Councils suggested position provided below:</p> <ul style="list-style-type: none"> <li>• The proposed policy should apply to both Scope 1 and Scope 2 items.</li> <li>• In addition to plastics, paper and card packaging (e.g. pizza boxes) could be included in the proposed policy to ensure they are compostable as they may not be suitable for recycling once contaminated with food residues.</li> <li>• SUP beverage cups and food containers to be banned in a phased approach over time to encourage the use of currently available compostable / reusable alternatives.</li> <li>• If a ban is not feasible then a sufficiently high levy should be considered to act as an effective incentive for producers / consumers to encourage behavioural change.</li> <li>• Voluntary schemes were not recommended as they typically have low participation rates but could form part of a phased in approach with a ban / levy after a period of time.</li> </ul>
<b>4.0</b>	<b>Other Considerations</b>
4.1	<b>Financial, Human Resources &amp; Risk Implications</b>
	Financial: None
	Human: None
	Risk Management: None

4.2	<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 are requested to approve the submission of a response to the DAERA Consultation on the Reduction of Single Use Plastic Beverage Cups and Food Containers as outlined.
<b>6.0</b>	<b>Documents Attached &amp; References</b>
6.1	Proposed response to the Consultation for the Reduction of Single-Use Plastic Beverage Cups and Food Containers

**Minutes of Meeting of Environment Committee of Mid Ulster District Council  
held on Tuesday 9 November 2021 in Council Offices, Circular Road,  
Dungannon and by virtual means**

<b>Members Present</b>	Councillor McNamee, Chair  Councillors Buchanan, Burton, Cuthbertson, Glasgow, Graham*, Kearney, N McAleer*, S McAleer*, B McGuigan, S McGuigan, Milne*, O'Neill* (7.18 pm), Totten*, Wilson* (7.17 pm)
<b>Officers in Attendance</b>	Mrs Campbell, Strategic Director of Environment Mr Gordon, Assistant Director of Health, Leisure and Wellbeing** Mr Kelso, Director of Public Health and Infrastructure Mr Lowry, Head of Technical Services** Mr McAdoo, Assistant Director of Environmental Services** Mrs McClements, Head of Environmental Health** Mr Scullion, Assistant Director of Property Services** Mr Wilkinson, Head of Building Control** Miss Thompson, Democratic Services Officer
<b>Others in Attendance</b>	<b>Agenda Item 4 – Deputation – NIHE Cavity Wall Insulation</b> Messrs Blythe and Kennedy*** – NIHE

\* 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

In the absence of Councillor Brown - Chair, Councillor McNamee Deputy Chair took the Chair.

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

**E252/21      Apologies**

Councillor Brown.

**E253/21      Declarations of Interest**

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

## **E254/21      Chair's Business**

None.

## **E255/21      Deputation – NIHE Cavity Wall Insulation**

The Chair, Councillor McNamee welcomed Messrs Blythe and Kennedy from Northern Ireland Housing Executive (NIHE) and invited them to make their presentation.

Mr Kennedy offered apologies from Mr Isherwood, Director of Asset Management who was invited to speak tonight but is unable to attend. Mr Kennedy introduced himself as Assistant Director of Asset Strategy and his colleague Mr Blythe, Quality Improvement Manager. Messrs Kennedy and Blythe went on to make their presentation on the NIHE Cavity Wall Insulation Action Plan (appendix 1).

The Chair, Councillor McNamee asked what monies are available for this programme of works and also referred to those who have previously purchased an NIHE property and if there will be any funding available for them.

Mr Kennedy advised that there are approximately 70,000 cavity wall stock within the NIHE portfolio and that the average cost of works per property is £2,000 with the cost of a full remediation programme for cavity wall insulation properties being in the region of £140 million. Mr Kennedy stated that there is a shortfall in funding to undertake works at present and that there are other investment priorities which cavity wall insulation has to be ranked against such as single skin properties. Mr Kennedy advised that a small amount of money is allocated each year for the annual cavity wall insulation programme to test the process up until the funding position is resolved.

Mr Blythe advised that the Minister for Communities has launched the Revitalisation Programme and that the determination of that will have to be decided next March. Depending on the outcome there may be opportunity to raise private finance in the future as rental income is solely depended on at the moment to fund all programmes. Mr Blythe referred to grant schemes for the private sector and advised that NIHE are hoping to undertake a mixed tenure pilot next year and hope to demonstrate that this will be the best approach to take going forward with funding for the scheme to be determined.

Councillor Cuthbertson referred to complaints from tenants being mainly about damp and heating problems and that these issues come down to both heating and ventilation of a property. Councillor Cuthbertson stated it is good to see the action plan and that things are moving forward but that tenants want to see works now. The Councillor stated that he is aware funding is an issue and a scheme is not ready to start but that he could identify a pilot scheme in the Dungannon area to undertake when funding is available.

Councillor S McGuigan referred to single skin properties and asked how many of these properties there are and what condition they are in as there are a lot of complaints received about same.

Mr Blythe estimated that there are 15,000 of these properties made up of pre fab, aluminium bungalow, no fines construction and tower block. Mr Blythe stated that there is a programme ongoing at present which undertakes external wall insulation and ventilation to approximately 2,000 no fines properties. Some external insulation work has also be done to aluminium bungalows and tower blocks. Mr Blythe stated that cavity wall properties with some insulation are performing better than the solid block wall properties and that NIHE realise it is an issue.

Councillor B McGuigan stated that the information tonight is useful and referred to the Housing Working Group within Council and that this issue should be kept on the agenda of this working group as a lot of money will be required to roll out the cavity wall action plan and funding for same will be difficult. The Councillor felt it is also important for Council to hear updates from NIHE and information about pilot schemes etc. Councillor B McGuigan also stated that Council has a Member who sits on the Housing Council.

Mr Blythe stated that NIHE officers would be happy to come back to provide update.

The Chair, Councillor McNamee thanked Messrs Blythe and Kennedy for their presentation following which they left the meeting at 7.34 pm.

*Councillors O'Neill and Wilson joined the meeting during the above presentation.*

## **Matters for Decision**

### **E256/21      Street Naming and Property Numbering**

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

Site off Ballymacombs Road, Portglenone

Councillor Milne felt that The Fishermans Walk is appropriate but that it could be improved to The Fishermans Walk View as the site looks on to the fishermans walk. Councillor Milne proposed that the development be named The Fishermans Walk View.

Councillor Kearney seconded Councillor Milne's proposal.

**Resolved**      That it be recommended to Council to name development off Ballymacombs Road, Portglenone as The Fishermans Walk View.

Site off Sycamore Drive, Dungannon

Proposed by Councillor S McGuigan  
Seconded by Councillor B McGuigan and

**Resolved**      That it be recommended to Council to name development off Sycamore Drive, Dungannon as Sycamore Court.

Site off Sycamore Hill, Dungannon

Proposed by Councillor S McGuigan  
Seconded by Councillor B McGuigan and

**Resolved** That it be recommended to Council to name development off Sycamore Hill, Dungannon as Sycamore Green.

**E257/21 The Licensing and Registration of Clubs (Amendment) Act (Northern Ireland) 2021**

The Head of Building Control presented previously circulated report which advised of The Licensing and Registration of Clubs (Amendment) Act (Northern Ireland) 2021 which came into operation on 1<sup>st</sup> October 2021.

Proposed by Councillor S McGuigan  
Seconded by Councillor B McGuigan and

**Resolved** That it be recommended to Council that Entertainment Licensing premises may have permitted hours to 3.00 am where requested by the applicant and where PSNI have no comments in relation to Public Order or Disturbance.

**E258/21 A Request regarding the Societies' Lotteries Renewal Fee**

The Head of Environmental Health presented previously circulated report which considered a request regarding the fee required for continued registration for societies' lotteries.

Councillor Cuthbertson referred to the number of competitions over lockdown to win holidays, cars, houses etc and asked if these type of competitions are covered under this legislation.

The Head of Environmental Health advised that the legislation regarding lotteries etc is complex but that smaller matters, as outlined in the report, are dealt with by Environmental Health and that larger competitions, such as the ones referred to by Councillor Cuthbertson, would be dealt with by the Police.

Proposed by Councillor B McGuigan  
Seconded by Councillor S McGuigan and

**Resolved** That it be recommended to Council to waive the renewal fee required to maintain societies lotteries registration for the year 2021 and permit those societies registered in 2020 to apply for the grant of their 2022 registration at a reduced fee of £17.50 (instead of £35).

**E259/21 DAERA consultation on a Northern Ireland Food Strategy Framework**

The Head of Environmental Health presented previously circulated report which advised of DAERA consultation on a Northern Ireland Food Strategy Framework.

Councillor Glasgow proposed the recommendation and stated that the response is well detailed and appropriate.

Councillor Buchanan seconded Councillor Glasgow's proposal.

**Resolved** That it be recommended to Council to respond to the consultation from DAERA as set out at appendix 2 of report. Draft response to be submitted in advance of the deadline of 19 November 2021.

## **E260/21 Community Resuscitation / AEDs**

The Head of Environmental Health presented previously circulated report which provided update on the procurement and provision by Council of additional AEDs across the Mid Ulster District Council area and on the ongoing Community Resuscitation work. Further to the report, the Head of Environmental Health advised that discussions have taken place with the boxing club at Gardners Hall and that it is proposed that Council assist with moving the defibrillator currently sited inside the boxing club to outside the building and that Council take over responsibility of this defibrillator.

Councillor Kearney referred to the high footfall at Portglenone River Walk and that if someone needed an AED at this location the nearest one is some distance away. The Councillor also referred to the poor mobile phone signal, or not having a phone, and that some signage identifying where the nearest AED is located would be beneficial as it is a vulnerable site.

The Head of Environmental Health stated the first action in an emergency should be to call 999 who will then guide a person if an AED is required. The officer stated that as there is an electricity connection in close proximity to the walkway the potential for siting an AED can be explored further with the developer going forward.

Councillor Kearney asked if signage at the walkway would be a first step option as it is a very busy location.

The Chair, Councillor McNamee stated that these issues would be best discussed at the Mid Ulster Community Resus Group and felt that there should be some Councillor representation on this group.

Councillor Cuthbertson referred to no community grants being available for maintenance of an AED and highlighted that grants are provided every year for running costs of community venues. Councillor Cuthbertson asked if Community Development would consider the submitting of an invoice for maintenance of an AED as a running cost for a community venue when they already pay for costs such as insurance and oil.

The Head of Environmental Health agreed to raise this with Community Development.

Councillor S McAleer stated that when an AED device is registered with The Circuit they will come out and check it. Councillor McAleer referred to recent issue with an AED in Ballygawley in which when checks were being carried out by The Circuit they noted that the device had a low battery and took it off The Circuit meaning that the

device could not be accessed in an emergency. Councillor McAleer stated that it is vitally important that community groups act on updating and maintaining equipment, the Councillor further stated that when a device is used equipment needs to be replaced and that this can be costly and some clawback on costs would be beneficial if a device is used.

The Chair, Councillor McNamee stated that Councillor Corry had raised a similar situation at Council and the concern of needing a device in an emergency and it is not working.

Councillor B McGuigan referred to the number of AEDs and whether community/sporting groups or those in control of the device are notified when a device needs serviced.

Councillor S McAleer advised that if an AED is registered with The Circuit they will send reminders of when an AED needs serviced. Battery checks should be carried out by whoever is responsible for the device.

Councillor Glasgow referred to the campaign to get defibrillators registered and asked when this will be rolled out by Communications. Councillor Glasgow stated it was good to see progress in relation to the defibrillator at Lough Fea and asked if there is a timescale for getting this device in place.

The Assistant Director of Property Services stated he would come back to the Councillor Glasgow tomorrow in relation to the AED for Lough Fea.

Councillor S McGuigan expressed concern in relation to when membership of a community group may change and there is a break in connection regarding contact details in relation to an AED.

The Chair, Councillor McNamee stated that Councillor representation on the Mid Ulster Community Resus Group would be beneficial as issues could be directed to this group. The Chair stated that two Members could be nominated to the group.

The Director of Public Health and Infrastructure felt this would be an excellent idea and would be well received by the group as a positive way forward.

The Chair, Councillor McNamee proposed Councillor S McGuigan be nominated to sit on the Mid Ulster Community Resus Group.

The Director of Public Health and Infrastructure stated that the nomination process for a further Member would be facilitated.

Proposed by Councillor B McGuigan  
Seconded by Councillor Milne and

**Resolved** That it be recommended to Council to nominate two Councillors to the Mid Ulster Community Resus Group.

**E261/21      Ageing Well initiative proposed development of tendering process and application to World Health Organisation for Age-Friendly Cities and Communities**

*Councillor Burton declared an interest in this item.*

The Head of Environmental Health presented previously circulated report which provided update on progress with the Ageing Well Initiative as part of community planning and sought approval for support for the development of a tender process to support the Age Friendly Co-ordinator for the future delivery of the initiative. The report further sought approval for an application to the World Health Organisation with commitment to the network cycle of continual improvement.

Proposed by Councillor S McGuigan  
Seconded by Councillor Kearney and

- Resolved**      That it be recommended to Council –
- To agree to the procurement of external expertise to support the development of the Age Friendly Alliance, Age Friendly Strategy and Action Plan.
  - To approve the application to the World Health Organisation with commitment to the network cycle of continual improvement and that the Chair of Council forwards the letter of commitment and formal application.

**E262/21      Environmental Services Proposed Scale of Charges for 2022/23**

The Assistant Director of Environmental Services presented previously circulated report which sought approval for a proposed scale of charges in relation to Environmental Services for the period 1st April 2022 to 31st March 2023.

Councillor Cuthbertson referred to commercial waste kerbside collection charges and stated that the majority of businesses in Dungannon use private waste collections. Councillor Cuthbertson stated he could not understand how these private firms can collect the waste more cheaply taking into consideration their travel costs and then payment to the local authority to dispose of the waste. Councillor Cuthbertson asked if any comparison work had been done in relation to what the private firms are charging compared to Council. Councillor Cuthbertson also referred to the collection of a second brown bin and proposed that Council do not charge for this. The Councillor stated that he did not believe there are very many who use a second brown bin and that the charge for its collection is encouraging people to put the material into the black bin.

The Assistant Director of Environmental Services stated that there are a number of private waste collectors operating across Mid Ulster and that their charges for collection are lower but highlighted that this is sometimes only for an introductory period and that prices are then increased. The officer stated he was aware of businesses who had come back to Council for their collections after a price increase. The Assistant Director of Environmental Services also stated that the methods of disposal for the private firm may be different in that it may not be landfill but rather waste going for treatment.

In relation to the charge for collection of second brown bin, the Assistant Director of Environmental Services referred to a report brought previously to the Environment Committee which outlined the rationale for the charge. The officer highlighted that even if the charge is zero then the policy should remain that only one brown bin will be collected from each household.

Councillor Graham seconded Councillor Cuthbertson's proposal as she did not feel the number of people using a brown bin was that high. The Councillor stated that the charge should at least be waived for pensioners if it cannot be done for every household.

Councillor Burton concurred with the previous speakers as she had dealt with calls from elderly residents who were affected by the charge for the second bin collection. Councillor Burton felt that there are a number of households who don't use their brown bin at all and asked how many second bin households there are. Councillor Burton stated that given there are so many people who don't use the brown bin at all the issue of the charge for a second brown bin collection needs to be looked at.

The Chair, Councillor McNamee asked what the cost implications are for Council if there is no charge for the collection of a second brown bin.

The Assistant Director of Environmental Services advised that the cost implications were outlined in the paper brought previously. The officer stated there are currently between 50-60 who pay for a second brown bin collection and highlighted that the paper tonight deals with charges and that the policy for brown bin collection was dealt with at a previous meeting where it was decided that the policy for the collection of additional brown bins would remain unchanged pending further review of the entire waste collection policy in September 2022.

The Strategic Director of Environment stated she would like some time to review the policy brought previously and consider it in context with the other collection processes within Council and that a report be brought back on the issue.

Councillor Cuthbertson stated it was his recollection that Members were previously advised that a paper in relation to charges would be coming to a future meeting and that therefore the policy in relation to brown bin collection would be deferred until this time.

Councillor Burton stated her understanding was similar and that the policy would be considered at the same time as the review of charges.

The Chair, Councillor McNamee asked if Members were content to wait on a report being brought back to Committee on the issue of brown bin collection.

Councillor Cuthbertson stated that the detail was brought to a previous meeting and that he would keep his proposal on the table.

The Strategic Director of Environment asked for the opportunity to review the matter.

Councillor Cuthbertson agreed to take his proposal off the table as long as a report is brought back to the January Environment Committee meeting.

Proposed by Councillor Cuthbertson  
Seconded by Councillor Burton and

**Resolved** That it be recommended to Council that the proposed scale of charges as outlined in report be approved for 2022/23 with the exception of the charge for collection of a second brown bin to which a report is to be brought back to the Environment Committee in January.

Councillor Glasgow stated he had recently attended a funeral and referred to the number of dogs running around the graveyard unattended and that this needs to be investigated.

*Councillor Burton left the meeting at 8.21 pm.*

**E263/21 DfI Roads Proposal to Mid Ulster District Council - Proposed Extension of Traffic Calming Measures at Gortgonis Road, Coalisland**

Members considered previously circulated report which sought agreement in relation to Proposed Extension of Traffic Calming Measures at Gortgonis Road, Coalisland.

Proposed by Councillor O'Neill  
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 Extension of Traffic Calming Measures at Gortgonis Road, Coalisland.

**Matters for Information**

**E264/21 Minutes of Environment Committee held on 12 October 2021**

Members noted minutes of Environment Committee held on 12 October 2021.

**E265/21 Building Control Workload**

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

**E266/21 Entertainment Licensing Applications**

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

**E267/21 Dual Language Signage Requests**

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

## **E268/21      Dual Language Signage Surveys**

Members noted previously circulated report which advised of the result of surveys undertaken on all applicable residents on the streets/roads in response to Dual Language Signage Nameplate requests.

Councillor Cuthbertson highlighted another survey returned with no responses and that this is a further waste of money of Council and time and effort of Councillors. The Councillor stated that Irish Street is in the town centre and is not a residential area and should therefore be treated differently.

The Chair, Councillor McNamee stated that consideration should possibly be given to how street names in town centres are dealt with going forward.

## **E269/21      To provide an update to Elected Members on the EH business plan at the 6 months stage**

Members noted previously circulated report which provided update on the work undertaken by the EH department during the first six months of the current business plan.

## **E270/21      Bus Shelters Update**

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

## **E271/21      COP26 Climate Change Conference**

Members noted previously circulated report which advised of Council's contribution to the COP26 Climate Change Conference.

## **E272/21      Northern Ireland Local Authority Collected Municipal Waste Management (LACMW) Report for April to June 2021**

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 Quarter 1 of 2021/22 from April to June 2021.

Councillor B McGuigan highlighted the figures and that Mid Ulster had the second highest recycling and energy recovery rates and lowest rate of waste going to landfill for the period. The Councillor stated that this is an excellent result for Mid Ulster and thanked the officer and team for driving the initiatives consistently.

The Assistant Director of Environmental Services advised that whilst Council was second that quarter Council still has the highest overall recycling rate over a rolling twelve month period.

*Live broadcast ended at 8.24 pm.*

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

Proposed by Councillor S McGuigan  
Seconded by Councillor B McGuigan and

**Resolved** In accordance with Section 42, Part 1 of Schedule 6 of the Local Government Act (NI) 2014 that Members of the public be asked to withdraw from the meeting whilst Members consider items E273/21 to E279/21.

### **Matters for Decision**

- E273/21 Installation of Memorial Bench and Tree on Council Property
- E274/21 Electric Vehicle (EV) Charging Infrastructure

### **Matters for Information**

- E275/21 Confidential Minutes of Environment Committee held on 12 October 2021
- E276/21 Capital Framework – ICT Contracts Update
- E277/21 Capital Framework – IST Contracts Update
- E278/21 Capital Projects – Scoping Contracts Update
- E279/21 Town and Village Awards 2021

## **E280/21 Duration of Meeting**

The meeting was called for 7.00 pm and ended at 8.43 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.

# NIHE Cavity Wall Insulation Action Plan Mid Ulster District Council Environment Committee 9<sup>th</sup> November 2021

Andy Kennedy

Assistant Director, Asset Strategy, NIHE

Adrian Blythe

Quality Improvement Manager, NIHE

# Background

- **NIHE major CWI installation programme in 1980s**
- **National concerns about condition of CWI**
- **NIHE SERC CWI research report in 2013**
- **Savills' Stock Condition Survey Report 2015**
- **British Board of Agreement (BBA) CWI report 2019**
  - **Surveyed small representative sample of NIHE (and private) dwellings – age/type/location**
  - **Overseen by Insulation Performance Panel**
  - **Findings and recommendations presented to NIHE Central Housing Forum, Elected Representatives & Insulation Industry**

# BBA's key findings & recommendations

- **Findings:**
  - 63% had CWI that is non-compliant with current industry standards (i.e. voids, debris in the cavity)
  - 84% had defects in external facades
  - 1% had internal damp issues (noted as 'Class 1')
- **Recommendations:**
  - CWI extraction/replacement process
  - Remediation programme
  - Training for NIHE employees
  - Advice for residents
  - Recompense for past installations

# Non-compliant CWI



## Mortar & Pointing



# Action Plan preparation

- **Issues:**
  - **No discernible pattern on which to target action**
  - **Fabric First approach of Energy Efficiency Strategy**
  - **Stock investment funding shortfall / prioritisation against other workstreams**
  - **Sequencing of remedial works to CWI and facades**
  - **Insulation industry practices and supply chain capacity**
- **Draft Action Plan sent out for formal consultation on the 22<sup>nd</sup> December 2020**
- **Final Action Plan proposals presented to NIHE Board in August 2021**
- **Final Action presented to Board for approval**

# CWI Action Plan

- **Remediation/Replacement**
  - Short Term (Class 1 properties investigated and remedied)
  - Medium/Long Term - CWI programme once funding allows
  - Interim position: investigate instances and address where there is a detrimental impact on the structure
  - Small annual CWI programme to test new process
- **External Cyclical Maintenance**
  - Aim to bring scheme cycle down to 8 years in the short term and 5 years in medium to long term
- **CWI Extractions/Installations**
  - Review and develop extraction/installation process
  - Review specifications and guarantees duration

# CWI Action Plan



- **Stock Surveys and Data**
  - Annual sample of boroscope and thermal image surveys
  - Map patterns of failure & remediation works
- **NIHE staffing & Training**
  - Set up a specialist team in NIHE responsible for QA, inspection, compliance and monitoring activities
  - Develop CWI training for specific staff
- **Residents Advice and Information**
  - Determine how best to obtain and reflect tenants' views
- **Research**
  - Engage with insulation industry, research bodies and other parties on developing potential CWI research projects

# Questions

<b>Report on</b>	WEEE Reuse Project/Funding
<b>Date of Meeting</b>	6 <sup>th</sup> December 2021
<b>Reporting Officer</b>	Mark McAdoo, Assistant Director – Environmental Services
<b>Contact Officer</b>	Karl McGowan, Waste Disposal and Contracts Manager

<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 inform members of the Council's successful bid for funding under the Distributor Takeback Scheme and a new collaborative project with Refresh Appliances for the collection, repair and refurbishment of large domestic waste electrical appliances.
<b>2.0</b>	<b>Background</b>
2.1	<p>The UK WEEE Regulations aim to address the environmental impacts of waste electrical and electronic equipment by reducing the amount going to landfill and encouraging separate collection and subsequent treatment, re-use, recovery, recycling and environmentally sound disposal.</p> <p>The Distributor Takeback Scheme (DTS) was established as a means for retailers to discharge their obligations under the UK WEEE Regulations to ensure arrangements for customers to recycle unwanted waste electrical and electronic equipment.</p> <p>The WEEE Local Project Fund has more than £500,000 to allocate to projects for 2022. Accepted projects must be completed by 31st December 2022. Funding will be paid in advance of project start up.</p> <p>The funding is available to:</p> <ul style="list-style-type: none"> <li>○ Encourage reuse of whole appliances</li> <li>○ Increase the tonnage of separately collected household WEEE for recycling, particularly small domestic appliances and ICT equipment, or increase the recycling rate of collected equipment,</li> <li>○ Reduce the occurrence of fly tipping of WEEE through, for example, improved communication and availability of legitimate facilities.</li> </ul>
<b>3.0</b>	<b>Main Report</b>
3.1	The DTS Phase V Fund have made funding available to support local authorities and partner organisations. This funding is intended to support activities aimed at increasing the separate collection of household WEEE for reuse and recycling. An application for funding was submitted prior to the closing date of the 8 <sup>th</sup> October and this has been successful with funding of almost £20,000 offered.

3.2	Mid Ulster District Council currently collects WEEE at 10 recycling centres across the district for recycling only. The proposed project is designed to introduce the sorting of good quality large domestic appliances for repair and reuse by our sub-contractor Refresh Appliances, a social enterprise business specialising in this activity. It is proposed to start separating these materials at 4 of the larger sites following the establishment of appropriate storage areas and training of site staff.
3.3	Collections by Refresh Appliances have commenced via a small scale trial at Magherafelt and Maghera Recycling Centres on a fortnightly basis and will be expanding to other recycling centres as capacity allows. Site staff have been instructed to segregate any LDA in good condition i.e. free of dents, no obvious missing parts and good cosmetic condition. Once the funding has been received 4 no. storage containers will be purchased so that these items can be stored securely until it can be collected. Refresh Appliances then refurbish and repair these as necessary for subsequent sale through their physical and on-line stores.
3.4	Refresh Appliances is a Social Enterprise Company that works closely with a number of charities in Northern Ireland. The company plans to employ a further 5 permanent staff and 2 trainees over the next year. The majority of Refresh Appliances sales are to low income homes and charities, providing an economical appliance with a minimum 6 month guarantee, free delivery and collection of their old appliance. The company also donates free appliance to charities each year.
3.5	The project complements the Councils current WEEE recycling services by moving the emphasis from recycling to reuse where possible, while also supporting a local social enterprise company.
3.6	Running alongside the project will be a communications and marketing campaign to promote the recycling of WEEE across the district and to emphasis the reuse scheme for any good quality items. There will also be banners and signage at the Recycling Centres to direct site users where to deposit these items and to bring to the attention of site staff any items that are working, in good condition and may be suitable for reuse.

<b>4.0</b>	<b>Other Considerations</b>
<b>4.1</b>	<b>Financial, Human Resources &amp; Risk Implications</b>
	<p>Financial:</p> <p>The costs involved in the project are as follows:</p> <p>4 No. 20ft Shipping Containers - £14,800</p> <p>4 No. Promotional Banners - £520</p> <p>8 No. Information Signs - £560</p> <p>Advertising (Adshels / Billboards) - £1,800</p> <p>Advertising (Local Newspapers) - £2,000</p> <p>Total Cost - £19,680 (to be fully funded by WEEE Local Project Fund)</p>

	<p>Human:</p> <p>The project will involve Council staff for the operation of the project along with input from the Communications &amp; Marketing Service to promote the scheme</p> <p>The project will involve the training of up to 10 HWRC site attendants on identifying and segregating high quality LDA that has the potential for repair / reuse. This will involve on-site training and a visit to the Refresh Appliances facility to see first-hand the process and its benefits.</p>
	<p>Risk Management:</p> <p>Suitable risk assessments will be in place for the collections under the scheme.</p>
4.2	<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 are asked to note the content this report for information.
<b>6.0</b>	<b>Documents Attached &amp; References</b>
6.1	None



<b>Report on</b>	Environmental Services - Christmas Working Arrangements
<b>Date of Meeting</b>	6 <sup>th</sup> December 2021
<b>Reporting Officer</b>	Mark McAdoo, Assistant Director – Environmental Services
<b>Contact Officer</b>	Mark McAdoo, Assistant Director – Environmental Services

<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 inform members of the working arrangements in respect of refuse/recycling collection and operation of Recycling Centres during the Christmas and New Year holiday period.
<b>2.0</b>	<b>Background</b>
2.1	Since 2018, following discussion and agreement with trade unions, exactly the same working arrangements have been implemented across the Mid Ulster District over the Christmas and New Year period in respect of refuse and recycling collections/services.
<b>3.0</b>	<b>Main Report</b>
3.1	During the forthcoming festive period 25 <sup>th</sup> December (Christmas Day) and 1 <sup>st</sup> January fall on a Saturday so fortunately there will be no disruption/change to refuse and recycling collections with these taking place as normal on Monday 27 <sup>th</sup> December and Tuesday 28 <sup>th</sup> December 2021 as well as Monday 3 <sup>rd</sup> January 2021 (the three scheduled public holidays).
3.2	In relation to our eleven Recycling Centres it is planned that all sites will shut at 4:00pm on Friday 24 <sup>th</sup> December (Christmas Eve) and reopen on the morning of Monday 27 <sup>th</sup> December (excluding the sites at Tullyvar and Ballymacombs which are normally closed on a Monday). All the sites will close again at 4:00pm on Friday 31 <sup>st</sup> December (New Year's Eve) and reopen again on Monday 3 <sup>rd</sup> January 2022 (with the same exceptions).
3.3	A street cleansing service will remain operational throughout the festive period although this will be limited to the main town centres only on Christmas Day and New Year's Day.
<b>4.0</b>	<b>Other Considerations</b>
<b>4.1</b>	<b>Financial, Human Resources &amp; Risk Implications</b>
	Financial: Additional payments (as per with national conditions) will be made to employees required to work on statutory/public holidays
	Human: In addition to enhanced payment employees are entitled to appropriate TOIL
	Risk Management: None

4.2	<b>Screening &amp; Impact Assessments</b>
	Equality & Good Relations Implications:
	Common arrangements apply across the district. Rural Needs Implications: None
5.0	<b>Recommendation(s)</b>
5.1	Members are asked to note the contents of this paper.
6.0	<b>Documents Attached &amp; References</b>
6.1	None

<b>Report on</b>	Building Control Workload
<b>Date of Meeting</b>	6 <sup>th</sup> December 2021
<b>Reporting Officer</b>	William Wilkinson

<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 provide Members with an update on the workload analysis for Building Control across Mid-Ulster District Council.		
<b>2.0</b>	<b>Background</b>		
2.1	<p>Building Control applications are received in three different forms:-</p> <p>a Full Applications - submitted with detailed working drawings.</p> <p>b Building Notices - minor work not usually requiring detailed plans, e.g. provision of insulation to roof space, etc.</p> <p>c Regularisation Applications – where work has been carried out without an approval, an application must be submitted for retrospective approval.</p>		
<b>3.0</b>	<b>Main Report</b>		
3.1	<b>Workload Analysis</b>	<b>November 2021</b>	<b>Accumulative 2021/22</b>
	Total number of Applications	<b>129</b>	<b>1347</b>
	Full plans applications received	<b>57</b>	<b>521</b>
	Building Notices applications received	<b>62</b>	<b>733</b>
	Regularisation applications received	<b>10</b>	<b>93</b>
	Estimated value of works submitted	<b>£13,427,681</b>	<b>£121,490,089</b>
	Number of inspections carried out by Building Control Officers	<b>605</b>	<b>5317</b>

	Commencements	<b>144</b>	<b>1368</b>
	Domestic Dwellings	<b>41</b>	<b>482</b>
	Domestic alterations and Extensions	<b>96</b>	<b>779</b>
	Non-Domestic work	<b>7</b>	<b>107</b>
	Completions	<b>138</b>	<b>1015</b>
	Domestic Dwellings	<b>54</b>	<b>393</b>
	Domestic alterations and Extensions	<b>81</b>	<b>557</b>
	Non-Domestic work	<b>3</b>	<b>65</b>
	Property Certificates Received	<b>189</b>	<b>1513</b>
3.2	As previously indicated, the Building Control Department have continued to provide a full service to the Public as required during the Covid-19 Pandemic.		
3.3	It should be noted from the Workload Analysis in 3.1, that the full range of applications are being received and administered in accordance with our procedures and performance criteria.		
3.4	It can also be noted that the demand for the service has increased over the past number of months and Building Regulation applications submitted are now at pre pandemic levels		
3.5	All inspections are now being carried out as requested subject to a risk assessment being completed.		
<b>4.0</b>	<b>Other Considerations</b>		
<b>4.1</b>	<b>Financial, Human Resources &amp; Risk Implications</b>		
	Financial: Within Current Resources		
	Human: Within Current Resources		
	Risk Management: None		
<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 are requested to note the content of this report.
<b>6.0</b>	<b>Documents Attached &amp; References</b>
6.1	Appendix 1 – List of significant applications received by the Building Control Service



**Significant Developments November 2021**

<b>Applicant</b>	<b>Location of Development</b>	<b>Details of Development</b>	<b>Estimated value of development</b>
PK Murphy Developments Ltd	Larden Meadows & Larden Vale, Donaghmore.	Erection of 25 dwellings ( Ave floor area 137m2) B.C. fee - £4,721	£2,175,510
Westland Building Systems	Rear to 170 Annagher Road, Coalisland.	Erection of 6 dwellings ( Ave floor area 140m2) B.C. fee - £1,573	£535,940
Elite Granite	60 Drummurrer Lane, Coalisland. .	Extension to workshop (Floor area 662m2) B.C. fee - £2,230	£357,530



<b>Report on</b>	Dual Language Signage Surveys
<b>Date of Meeting</b>	6 <sup>th</sup> December 2021
<b>Reporting Officer</b>	William Wilkinson

<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 advise Members on the result of surveys undertaken on all applicable residents on the streets/roads in response to Dual Language Signage Nameplate requests.
<b>2.0</b>	<b>Background</b>
2.1	In accordance with the Local Government (Miscellaneous Provisions) NI Order 1995 – Article 11 the Council is tasked with the responsibility to erect dual language signs or second nameplates, adjacent to the nameplate in English.
2.2	The Policy for Street Naming and Dual Language Signage – Section 6.0, as adopted (see Appendix 1) forms the basis for considering requests expressing the name in a language other than English, to both existing and new streets.
2.3	In accordance with the Policy as adopted, all occupiers as listed on the Electoral Register residing on the streets/roads as noted below were canvassed, by post seeking their views on the request to erect dual-language street nameplates in the Irish Language as requested in each case.
<b>3.0</b>	<b>Main Report</b>
3.1	<p>The Building Control Service within the Public Health and Infrastructure Directorate issued occupiers of the undernoted streets, correspondence seeking their views on the request to erect a dual-language street nameplate.</p> <p>Completed surveys were received by the return date and the outcome is as follows in each case:</p>

3.2

Name of Street	Sessiagh Scott Road
Language Requested	Irish
Date Request Validated	08/07/2021
Survey Request Reported to Environment Committee	14/09/2021
Surveys Issued	06/09/2021
Surveys returned by	04/10/2021
Survey Letters Issued	57
Survey Letters Returned	27
Replies in Favour	25
Replies not in Favour	0
Invalid	2
Valid Returns	25
Percentage in Favour	100%

In accordance with the Dual Language Signage Nameplates Policy, where more than 51% of the completed replies returned by occupiers indicate that they are in favour of the erection of a dual language street nameplate, it is confirmed that the dual language nameplates at Sessiagh Scott Road, Rock, Dungannon will be erected.

3.3

Name of Street	Lester Park
Language Requested	Irish
Date Request Validated	16/02/2021
Survey Request Reported to Environment Committee	14/09/2021
Surveys Issued	06/09/2021
Surveys returned by	04/10/2021
Survey Letters Issued	18
Survey Letters Returned	9
Replies in Favour	6
Replies not in Favour	3
Invalid	0
Valid Returns	9
Percentage in Favour	67%

In accordance with the Dual Language Signage Nameplates Policy, where more than 51% of the completed replies returned by occupiers indicate that they are in favour of the erection of a dual language street nameplate, it is confirmed that the dual language nameplates at Lester Park, Magherafelt will be erected.

3.4

Name of Street	Knockaleery Road
Language Requested	Irish
Date Request Validated	18/02/2021
Survey Request Reported to Environment Committee	14/09/2021
Surveys Issued	06/09/2021
Surveys returned by	04/10/2021
Survey Letters Issued	124
Survey Letters Returned	74
Replies in Favour	23
Replies not in Favour	51
Invalid	0
Valid Returns	74
Percentage in Favour	31%

In accordance with the Dual Language Signage Nameplates Policy, where more than 51% of the completed replies returned by occupiers did not indicate that they were in favour of the erection of a dual language street nameplate, it is confirmed that the dual language nameplates at Knockaleery Road, Cookstown will not be approved or erected.

3.5

Name of Street	The Meadows
Language Requested	Irish
Date Request Validated	22/02/2021
Survey Request Approved by Environment Committee	14/09/2021
Surveys Issued	06/09/2021
Surveys returned by	04/10/2021
Survey Letters Issued	58
Survey Letters Returned	33
Replies in Favour	31
Replies not in Favour	2
Invalid	0
Valid Returns	33
Percentage in Favour	94%

In accordance with the Dual Language Signage Nameplates Policy, where more than 51% of the completed replies returned by occupiers indicate that they are in favour of the erection of a dual language street nameplate, it is confirmed that the dual language nameplates at The Meadows, Bellaghy will be erected.

3.6

Name of Street	Earls Court
Language Requested	Irish
Date Request Validated	03/03/2021
Survey Request Reported to Environment Committee	14/09/2021
Surveys Issued	06/09/2021
Surveys returned by	04/10/2021
Survey Letters Issued	50
Survey Letters Returned	11
Replies in Favour	6
Replies not in Favour	5
Invalid	0
Valid Returns	11
Percentage in Favour	55%

In accordance with the Dual Language Signage Nameplates Policy, where more than 51% of the completed replies returned by occupiers indicate that they are in favour of the erection of a dual language street nameplate, it is confirmed that the dual language nameplates at Earls Court, Dungannon will be erected.

3.7

Name of Street	Maplebrook Hill
Language Requested	Irish
Date Request Validated	09/03/2021
Survey Request Reported to Environment Committee	14/09/2021
Surveys Issued	13/09/2021
Surveys returned by	11/10/2021
Survey Letters Issued	9
Survey Letters Returned	6
Replies in Favour	6
Replies not in Favour	0
Invalid	0
Valid Returns	6
Percentage in Favour	100%

In accordance with the Dual Language Signage Nameplates Policy, where more than 51% of the completed replies returned by occupiers indicate that they are in favour of the erection of a dual language street nameplate, it is confirmed that the dual language nameplates at Maplebrook Hill, Coalisland will be erected.

3.8

Name of Street	Forth Glen
Language Requested	Irish
Date Request Validated	08/07/2021
Survey Request Reported to Environment Committee	14/09/2021
Surveys Issued	13/09/2021
Surveys returned by	11/10/2021
Survey Letters Issued	159
Survey Letters Returned	76
Replies in Favour	60
Replies not in Favour	14
Invalid	2
Valid Returns	74
Percentage in Favour	81%

In accordance with the Dual Language Signage Nameplates Policy, where more than 51% of the completed replies returned by occupiers indicate that they are in favour of the erection of a dual language street nameplate, it is confirmed that the dual language nameplates at Forth Glen, Cookstown will be erected

3.9

Name of Street	Ferny Park Gardens
Language Requested	Irish
Date Request Validated	03/08/2021
Survey Request Reported to Environment Committee	14/09/2021
Surveys Issued	13/09/2021
Surveys returned by	11/10/2021
Survey Letters Issued	42
Survey Letters Returned	27
Replies in Favour	26
Replies not in Favour	0
Invalid	1
Valid Returns	26
Percentage in Favour	100%

In accordance with the Dual Language Signage Nameplates Policy, where more than 51% of the completed replies returned by occupiers indicate that they are in favour of the erection of a dual language street nameplate, it is confirmed that the dual language nameplates at Ferny Park Gardens, Donaghmore will be erected

3.10

Name of Street	The Shanoch
Language Requested	Irish
Date Request Validated	02/04/2021
Survey Request Reported to Environment Committee	14/09/2021
Surveys Issued	13/09/2021
Surveys returned by	11/10/2021
Survey Letters Issued	90
Survey Letters Returned	29
Replies in Favour	28
Replies not in Favour	0
Invalid	1
Valid Returns	28
Percentage in Favour	100%

In accordance with the Dual Language Signage Nameplates Policy, where more than 51% of the completed replies returned by occupiers indicate that they are in favour of the erection of a dual language street nameplate, it is confirmed that the dual language nameplates at The Shanoch, Coalisland will be erected

3.11

Name of Street	Causeway Terrace
Language Requested	Irish
Date Request Validated	12/04/2021
Survey Request Reported to Environment Committee	14/09/2021
Surveys Issued	13/09/2021
Surveys returned by	11/10/2021
Survey Letters Issued	8
Survey Letters Returned	0
Replies in Favour	0
Replies not in Favour	0
Invalid	0
Valid Returns	0
Percentage in Favour	N/A

In accordance with the Dual Language Signage Nameplates Policy, where more than 51% of the completed replies returned by occupiers did not indicate that they were in favour of the erection of a dual language street nameplate, it is confirmed that the dual language nameplates at Causeway Terrace, Coalisland will not be approved or erected.

3.12

Name of Street	Kellys Lane
Language Requested	Irish
Date Request Validated	12/04/2021
Survey Request Reported to Environment Committee	14/09/2021
Surveys Issued	30/09/2021
Surveys returned by	28/10/2021
Survey Letters Issued	16
Survey Letters Returned	15
Replies in Favour	10
Replies not in Favour	0
Invalid	5
Valid Returns	10
Percentage in Favour	100%

In accordance with the Dual Language Signage Nameplates Policy, where more than 51% of the completed replies returned by occupiers indicate that they are in favour of the erection of a dual language street nameplate, it is confirmed that the dual language nameplates at Kellys Lane, Dungannon will be erected

3.13

Name of Street	Ballynakilly Road
Language Requested	Irish
Date Request Validated	14/04/2021
Survey Request Reported to Environment Committee	14/09/2021
Surveys Issued	30/09/2021
Surveys returned by	28/10/2021
Survey Letters Issued	104
Survey Letters Returned	44
Replies in Favour	27
Replies not in Favour	17
Invalid	0
Valid Returns	44
Percentage in Favour	61%

In accordance with the Dual Language Signage Nameplates Policy, where more than 51% of the completed replies returned by occupiers indicate that they are in favour of the erection of a dual language street nameplate, it is confirmed that the dual language nameplates at Ballynakilly Road, Coalisland will be erected

3.14

Name of Street	Killeeshill Road
Language Requested	Irish
Date Request Validated	15/04/2021
Survey Request Reported to Environment Committee	14/09/2021
Surveys Issued	30/09/2021
Surveys returned by	28/10/2021
Survey Letters Issued	147
Survey Letters Returned	73
Replies in Favour	39
Replies not in Favour	33
Invalid	1
Valid Returns	72
Percentage in Favour	54%

In accordance with the Dual Language Signage Nameplates Policy, where more than 51% of the completed replies returned by occupiers indicate that they are in favour of the erection of a dual language street nameplate, it is confirmed that the dual language nameplates at Killeeshill Road, Dungannon will be erected

3.15

Name of Street	Kanes Rampart
Language Requested	Irish
Date Request Validated	08/07/2021
Survey Request Reported to Environment Committee	14/09/2021
Surveys Issued	30/09/2021
Surveys returned by	28/10/2021
Survey Letters Issued	73
Survey Letters Returned	30
Replies in Favour	27
Replies not in Favour	0
Invalid	3
Valid Returns	27
Percentage in Favour	100%

In accordance with the Dual Language Signage Nameplates Policy, where more than 51% of the completed replies returned by occupiers indicate that they are in favour of the erection of a dual language street nameplate, it is confirmed that the dual language nameplates at Kanes Rampart, Coalisland will be erected

3.16	Name of Street	Corr Road
	Language Requested	Irish
	Date Request Validated	06/05/2021
	Survey Request Reported to Environment Committee	14/09/2021
	Surveys Issued	30/09/2021
	Surveys returned by	28/10/2021
	Survey Letters Issued	36
	Survey Letters Returned	21
	Replies in Favour	21
	Replies not in Favour	0
	Invalid	0
	Valid Returns	21
	Percentage in Favour	100%
	<p>In accordance with the Dual Language Signage Nameplates Policy, where more than 51% of the completed replies returned by occupiers indicate that they are in favour of the erection of a dual language street nameplate, it is confirmed that the dual language nameplates at Corr Road, Coalisland will be erected</p>	
<b>4.0</b>	<b>Other Considerations</b>	
<b>4.1</b>	<b>Financial, Human Resources &amp; Risk Implications</b>	
	Financial: Within Current Resources	
	Human: Within Current Resource	
	Risk Management: None	
<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	That Members note the results of the surveys for application of Dual Language Nameplates in Irish for the streets/roads as detailed below.	
5.2	<p>Where more than 51% of occupiers that respond indicated that they were in favour of the erection of a dual language signage, nameplates will be erected.</p> <p><b>1 Sessiagh Scott Road, Rock, Dungannon</b></p> <p><b>2 Lester Park, Magherafelt</b></p> <p><b>3 The Meadows, Bellaghy</b></p>	

5.3	<b>4 Earls Court, Dungannon</b>
	<b>5 Maplebrook Hill, Coalisland</b>
	<b>6 Forth Glen, Cookstown</b>
	<b>7 Ferny Park Gardens, Donaghmore</b>
	<b>8 The Shanoch, Coalisland</b>
	<b>9 Kellys Lane, Dungannon</b>
	<b>10 Ballynakilly Road, Coalisland</b>
	<b>11 Killeeshill Road, Dungannon</b>
	<b>12 Kanes Rampart, Coalisland</b>
	<b>13 Corr Road, Dungannon</b>
	Where more than 51% of occupiers of the street as noted below did not respond to indicate that they were in favour of the erection of a dual-language street nameplate, then the dual language nameplate will not be erected
	<b>1 Knockaleery Road, Cookstown</b>
	<b>2 Causeway Terrace, Coalisland</b>
<b>6.0</b>	<b>Documents Attached &amp; References</b>
6.1	Appendix 1 – Dual Language Nameplate Translation for each street/road

Appendix 1

**Dual Language Nameplates**

	Current Name	Irish Translation
Road	Sessiagh Scott Road	Bóthar Sheisíoch Scott
Townland	Oughterard Bardahessiagh	Uachtar Ard Barr Dá Sheisíoch

	Current Name	Irish Translation
Road	Lester Park	Páirc Mhic Alastair
Townland	Town Parks of Magherafelt	Páirceanna Baile Mhachaire Fíolta

	Current Name	Irish Translation
Road	The Meadows	Na Cluainte
Townlands	Drumanee Upper	Droim an Fhia Uachtarach

	Current Name	Irish Translation
Road	Earls Court	Cúirt an Iarla
Townlands	Drumcoo	Droim Cuach

	Current Name	Irish Translation
Road	Maplebrook Hill	Cnoc Shruthánna Mailpe
Townlands	Gortgonis	Gort an Ghamhna

	Current Name	Irish Translation
Road	Forth Glen	Gleann an Dúin
Townlands	Maloon	Maigh Luáin

	Current Name	Irish Translation
Road	Ferny Park Gardens	Gairdíní Pháirc na Raithní
Townlands	Aghareany Annaghbeg	Achadh Raithní An t-Eanach Beag

	Current Name	Irish Translation
Road	The Shanoch	An Seanachadh
Townlands	Brackaville	Bréachmhaoil

	Current Name	Irish Translation
Road	Kellys Lane	Bóithrín Uí Cheallaigh
Townlands	Mullaghroddan Creeve (Main Portion)	Mullach Uí Rodáin An Chraobh

	Current Name	Irish Translation
Road	Ballynakilly Road	Bóthar Bhaile na Coille
Townlands	Gortgonis Derry Tamlaghtmore	Gort an Ghamhna Doire An Tamhnach Mhór

	Current Name	Irish Translation
Road	Killeeshill Road	Bóthar Chill Íseal
Townlands	Lurgacullion Tullyallen	Lorga an Chuilinn Tulaigh Álainn

	Current Name	Irish Translation
Road	Kanes Rampart	Rampar Uí Chatháin
Townlands	Derryloughan	Doire Locháin

	Current Name	Irish Translation
Road	Corr Road	Bóthar na Coirre
Townlands	Derrymeen Drumcrow Corr	Doire Mín Droim Cró An Chorr

<b>Report on</b>	Dual Language Signage Requests
<b>Date of Meeting</b>	6 <sup>th</sup> December 2021
<b>Reporting Officer</b>	William Wilkinson

<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 advise Members of requests for Dual Language Signage from residents on the streets/roads in question.
<b>2.0</b>	<b>Background</b>
2.1	In accordance with the Local Government (Miscellaneous Provisions) NI Order 1995 – Article 11 the Council is tasked with the responsibility to erect dual language signs or second nameplates, adjacent to the nameplate in English.
2.2	The Policy for Dual Language Nameplate Signage as adopted forms the basis for considering requests expressing the name in a language other than English, to both existing and new streets.
2.3	In accordance with the Policy as adopted, the Environment Committee will be informed of requests which have been validated and are proceeding to survey.
<b>3.0</b>	<b>Main Report</b>
3.1	The Building Control Service within the Public Health and Infrastructure Directorate have received valid letters signed by occupiers of the street in each case requesting signage to be erected in a second language being “Irish” in each case adjacent to the nameplate in English as follows:-  1. Derry Road, Coalisland (see Appendix 1) 2. Mill Road, Dunnamore, Cookstown (see Appendix 2)
3.2	The occupiers signing the requests in each case have been confirmed as residents of their particular street which has been evidenced by their listing on the current Electoral Register as required in accordance with the Policy as adopted, see letters of request attached in Appendices 1-2.
3.3	It should also be noted that the Electoral Office are still only permitting access to members of the public including Officers of the Council for 60 minutes per visit. In addition, the time required to gain the necessary information has increased considerably due to the number of individuals which have been added to the Electoral Register in September, October and November.

<b>4.0</b>	<b>Other Considerations</b>
<b>4.1</b>	<b>Financial, Human Resources &amp; Risk Implications</b>
	Financial: Within Current Resources
	Human: Within Current Resources
	Risk Management: None
<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	That Members note the content of this report.
<b>6.0</b>	<b>Documents Attached &amp; References</b>
6.1	Appendix 1 – Letter received from a resident of Derry Road, Coalisland
6.2	Appendix 2 – Letter received from a resident of Mill Road, Dunamore, Cookstown

## Appendix 1

Derry Road Coalisland

BT714HZ

Dear Sir/Madam,

I am writing to enquire about a dual Irish Language sign for my road.

My family and various neighbours are Irish speaking people.

I live at Derry Road Coalisland,

Co.Tyrone

BT714HZ

I would be extremely grateful for this to happen. If you wish to confirm my request with me you can contact me at my home address which is stated above or via email which is

Kind regards



Mill Road  
Cookstown  
Co Tyrone  
BT80 9NU

22 October 2021

Dear Sir/Madam

**Dual Language Signage Nameplates**

We, along with our family, reside at the address noted above. We would like to make an application under Article 11 of the 1995 Order for the consideration of a dual language nameplate for Mill Road, Cookstown, BT80.

The dual language request is for English and Irish.

Yours faithfully



<b>Report on</b>	Entertainment Licensing Applications
<b>Date of Meeting</b>	6 <sup>th</sup> December 2021
<b>Reporting Officer</b>	William Wilkinson

<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 Entertainment Licensing applications across Mid Ulster District Council.
<b>2.0</b>	<b>Background</b>
2.1	The Council has responsibility for licensing places of entertainment in accordance with The Local Government (Miscellaneous Provisions) (NI) Order 1985. Entertainment Licensing applications are received on a continued basis across the District. Statutory consultations are carried out with PSNI and NIFRS for each Entertainment Licence application (grant or renewal) submitted.
<b>3.0</b>	<b>Main Report</b>
3.1	<p>As previously agreed a list of applications for all grant/renewal of Entertainment Licences in Mid Ulster District Council is attached (see Appendix 1). The number of applications received on a monthly basis will vary depending on the date of expiry of the current licence.</p> <p>Each application is accompanied by the following documentation:</p> <ol style="list-style-type: none"> <li>1 A current Fire Risk Assessment detailing the following: <ol style="list-style-type: none"> <li>(a) means of escape from premises</li> <li>(b) management responsibilities for day to day safety aspects</li> <li>(c) details of review on an annual basis</li> </ol> <p>The fire risk assessment submitted is audited by the inspecting officer.</p> </li> <li>2 Electrical certification is required for the following: <ol style="list-style-type: none"> <li>(a) General electrical installation</li> <li>(b) Emergency lighting system</li> <li>(c) Fire alarm system</li> </ol> </li> <li>3 Details of current public liability insurance for premises</li> <li>4 Copy of public advertisement in local press</li> </ol>

3.2	Following the application for the Grant/Renewal of an Entertainment Licence being submitted and validated, an inspection is carried out to ensure that the premises are in compliance with all relevant guidance and legislation.
3.3	<p>Areas which would be inspected are as follows:</p> <ol style="list-style-type: none"> <li>1. Means of escape from the venue i.e. Final Exit Doors and Easy Opening Devices are satisfactory and escape routes are free from obstruction etc.</li> <li>2. All floor, wall, and ceiling coverings are in compliance and in good condition</li> <li>3. All firefighting equipment are correctly positioned and serviced as required</li> <li>4. The general condition of the premises is satisfactory</li> <li>5. All management documentation is in place</li> </ol>
3.4	Entertainment licensing applications have continued to be processed where possible including statutory consultations with external Bodies as required by legislation.
3.5	Licences have been issued where inspections had been completed and all points requiring attention have been addressed.
3.6	Inspection of venues have continued where possible to do so and specifically where issues in relation to the current Covid-19 Guidance can be achieved.
3.7	In addition, within the correspondence to all licensees which accompanies newly issued licences, it is highlighted that on re-opening of their premises, the numbers permitted are likely to be reduced in line with current Government Guidance regarding Covid-19.
<b>4.0</b>	<b>Other Considerations</b>
<b>4.1</b>	<b>Financial, Human Resources &amp; Risk Implications</b>
	Financial: Within Current Resources
	Human: Within Current Resources
	Risk Management: Within Current Resources
<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 are requested to note the content of this report.
<b>6.0</b>	<b>Documents Attached &amp; References</b>
6.1	Appendix 1 – Schedule of applications received for the Grant/Renewal of Entertainment Licences.
6.2	Appendix 2 – Schedule of Entertainment Licence applications which have been granted/renewed.



**Schedule of applications Received for the Grant/Renewal of Entertainment Licences in November 2021**

<b>Name of Applicant</b>	<b>Name of Premises</b>	<b>Address of Premises</b>	<b>Type of Licence</b>	<b>Days and Hours proposed</b>	<b>Max Number of Patrons</b>
S Devlin	Sit & Sip Bar Lounge	28 Littlebridge Road, Moneymore	Annual	Monday To Thursday From: 13:00 To: 10:30 Friday To Saturday From 12:00 To 01:30 Sunday From: 12:00 To: 00:00	87
S Loughrin	Lissan House Trust	8 Drumgrass Road, Cookstown	Any 14 unspecified days	Monday To Sunday From: 12:00 To: 01:30	215
S Hughes	Fall's Bar	6A Reenadeery Road, Coalisland	Annual	Monday To Saturday From: 11:00 To: 00:00 Sunday 12:00 To 23:00	170
S Whiteside	Whiteside's Bar	87 Main Street, Clougher	Annual	Monday To Saturday From: 11:00 To: 01:00 Sunday 11:00 To 00:00	157

## Appendix 1

<b>Name of Applicant</b>	<b>Name of Premises</b>	<b>Address of Premises</b>	<b>Type of Licence</b>	<b>Days and Hours proposed</b>	<b>Max Number of Patrons</b>
P Bryson	Bryson's Bar	28 Union Road, Magherafelt	Annual	Monday To Saturday From: 11:00 To: 02:00 Sunday 11:30 To 00:00	456
P & M Mulgrew	The Roadside Tavern	36-38 The Square, Stewartstown	Annual	Monday To Saturday From: 11:30 To: 01:00 Sunday 12:00 To 00:00	100
T Jebb	The Oldtown Inn	12-14 Oldtown Street, Cookstown	Annual	Monday To Saturday From: 11:30 To: 01:00 Sunday 11:30 To 00:00	60
J McCormack	Michael Davitts GAC	37 Garvagh Road, Swatragh	Annual	Monday To Friday From: 11:00 To: 23:00 Saturday From 11:00 To 01:00 Sunday From: 11:00 To: 23:00	670
Mid Ulster District Council	The Burnavon	7 Burn Road, Cookstown	Annual	Monday To Sunday From: 07:00 To: 01:00	357

Appendix 1

<b>Name of Applicant</b>	<b>Name of Premises</b>	<b>Address of Premises</b>	<b>Type of Licence</b>	<b>Days and Hours proposed</b>	<b>Max Number of Patrons</b>
J Conway	The Belfast House	3 Orritor Street, Cookstown	Annual	Monday To Saturday From: 11:30 To: 01:00 Sunday 12:00 To 00:00	100
S Brown	Lisnagleer Community Hall	21 Lisnagleer Road, Dungannon	Annual	Monday To Friday From: 19:00 To: 01:00 Saturday 17:00 To 01:00	70
P Crozier	St Treas GAA Hall	246 Shore Road, Magherafelt	Annual	Monday To Sunday From: 09:00 To: 01:00	300

**Schedule of applications Issued for the Grant/Renewal of Entertainment Licences in November 2021**

<b>Name of Applicant</b>	<b>Name of Premises</b>	<b>Address of Premises</b>	<b>Type Of Licence</b>	<b>Days and Hours Granted</b>
H O'Neill	Erins Own GAC	56 Quarry Road, Knockloughrim	Annual	Monday To Saturday From 11.30 To 01.00  Sunday From 12.00 To 23.00
R Bloomfield	Killygullib Orange Hall	1 Tamlaght Road, Kilrea	Annual	Friday 21.00 to 00.00
E McGovern	Tirgan Community Recreation & Social Club	36 Tirgan Road, Moneymore	Annual	Monday - Sunday From 10.00 To 01.00

Name of Applicant	Name of Premises	Address of Premises	Type Of Licence	Days and Hours Granted
P Murray	Moygashel Orange Hall	59 Main Street, Dungannon	Annual	Monday To Friday From 09.00 To 01.30  Saturday From 09.00 to 23.59



<b>Report on</b>	Bus Shelters Update
<b>Date of Meeting</b>	6 <sup>th</sup> December 2021
<b>Reporting Officer</b>	Raymond Lowry

<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 current bus shelter status.
<b>2.0</b>	<b>Background</b>
2.1	Council is empowered under the Local Government Miscellaneous Provisions (NI) Order 1985, with the consent of the department to erect and maintain on any road within the district of the council, shelters for the protection from the weather or persons waiting to enter public service vehicles. Bus shelters are erected following local representations. They are provided, particularly for those who have to use public services who may have to stand out in the inclement weather.
2.2.	Following the bus shelter collaborative workshop held in March 2020, the bus shelter process was discussed and agreed at the Council meeting held on the 27 <sup>th</sup> March 2020. Members are advised in a monthly report of progress made on the various applications that have been lodged with the department.
2.3	Due to the Covid-19 pandemic progress has been delayed with unavailability of staff and priority of workloads within the various departments involved in dealing with the shelter installation. MUDC / DfI Roads have met (through "Microsoft Teams") to discuss a selection of these projects and will continue to carry out similar meetings to progress shelter applications.
2.4	Members to note current Procedural guide approved by Council March 2021 (see Appendix 1).

<b>3.0</b>	<b>Main Report</b>
3.1	<p>The following information headings will be covered:</p> <ul style="list-style-type: none"> <li>• New applications received in the past month (see 3.2)</li> <li>• Progress on stages 2-4 application process (see 3.3)</li> <li>• Request for Council to move from stage 5 (see 3.4)</li> <li>• Progress update on stages 6-9 (see 3.5)</li> <li>• Neighbour Notification summary and detailed analysis (see 3.6)</li> <li>• Projects recommended for approval (3.7)</li> <li>• Projects recommended for withdrawal (see 3.8)</li> <li>• Shelters passed to Property Services for installation (3.9)</li> <li>• Progress update on stages 10-11 (see 3.10)</li> <li>• Update on statutory response times in relation to agreement on time related responses for application (see 3.11)</li> <li>• Other issues (see 3.12)</li> </ul>
3.2	<b>New Applications received in the past month – None</b>
3.3	<b>Progress on stages 2-4 of the application process – see table in Appendix 1.</b>
3.4	<b>Requests for Council to move from stage 5 of the application process – None</b>
3.5	<b>Progress update on stages 6-9 – No further applications have been discussed with a view to getting approval.</b>
3.6	<p><b>Summary of Neighbour Notifications</b></p> <p>Following the Statutory meeting held on 20<sup>th</sup> September, we are awaiting confirmation of onsite discussions from Translink to see if proposed suitable locations are suitable to issue nearest neighbour notifications. These include:</p> <ul style="list-style-type: none"> <li>• Coagh Road, Stewartstown</li> <li>• Reenaderry Road, Washjingbay</li> <li>• Eglish View, Ballinderry</li> <li>• Main Street, Benburb</li> <li>• Tullyhogue Village</li> <li>• Innisrush Village</li> </ul> <p>Neighbourhood notification has been completed for <b>St Colmans Park, Moortown</b> (see Table 4 in Appendix 2 – reference 02), see details below.</p>

<b>Shelter Location</b>	<b>St Colmans Park, Moortown</b>
Bus Shelter Requested	09 October 2020
Date Request Validated	12 October 2020
Survey Issued	13 Oct 2021
Survey Returned By	27 Oct 2021
Survey Letters Issued (No.)	6
Survey Letters Returned	0
Replies in Favour	0
Replies not in Favour	0
No response	6
Valid Returns	0
Percentage that have no objections	100%

In accordance with the Bus Shelter Policy, where more than 51% of the completed replies returned by occupiers indicate that they are in favour of the installation of a bus shelter, it is confirmed that the bus shelter at **St Colmans Park, Moortown is recommended to be installed, (subject to Land agreement from NIHE).**

3.7 **Projects noted below are recommended for approval** – 1Nr application currently being recommended for approval, St Colmans Park, Moortown.

3.8 **Projects noted below are recommended for withdrawal** – 0 Nr applications are being recommended for withdrawal.

3.9 Members to Note the following shelters as listed in Table 3 have been passed over to Property Services for installation and these are currently being programmed for installation within their current workload. Further discussions ongoing with Technical services to confirm / clarify installation requirements.

**Table 3**

<b>Shelter Location</b>	<b>Current Status</b>	<b>Date programmed by Property Services for installation</b>	<b>Shelter type to be installed</b>
Washingbay Road, Moor Road, Clonoe	Approved	TBC	Glazed
Brackaville, Coalisland	Approved	TBC	Glazed

	<table><tr><td>Drummullan village</td><td>Replacement shelter with one side removed to allow safe access from existing footpath</td><td>TBC</td><td>Metal</td></tr><tr><td>Main Street, Bellaghy (SH HomePlace)</td><td>Approved</td><td>TBC</td><td>Glazed, Cantilever</td></tr><tr><td>Knockloughrim Village</td><td>Approved</td><td>TBC Translink route change awaiting confirmed</td><td>Glazed</td></tr></table>	Drummullan village	Replacement shelter with one side removed to allow safe access from existing footpath	TBC	Metal	Main Street, Bellaghy (SH HomePlace)	Approved	TBC	Glazed, Cantilever	Knockloughrim Village	Approved	TBC Translink route change awaiting confirmed	Glazed											
Drummullan village	Replacement shelter with one side removed to allow safe access from existing footpath	TBC	Metal																					
Main Street, Bellaghy (SH HomePlace)	Approved	TBC	Glazed, Cantilever																					
Knockloughrim Village	Approved	TBC Translink route change awaiting confirmed	Glazed																					
3.10	<b>Progress update on stages 10-11</b> – 1nr shelters installed since date of last meeting, Lisaculare Road, Killeen.																							
3.11	<b>Progress on response times</b> – Agreed response times within 30 days with statutory agencies.																							
	<table><tr><th>Statutory Agencies</th><th>Number requests sent</th><th>Reply &lt;30 Days</th><th>Reply &gt;30 Days</th></tr><tr><td>Translink</td><td>2</td><td>1</td><td>1</td></tr><tr><td>Education Authority</td><td>3</td><td>1</td><td>2</td></tr><tr><td>Dfl Roads</td><td>0</td><td>0</td><td>0</td></tr><tr><td>NIHE</td><td>1</td><td>0</td><td>1</td></tr></table>				Statutory Agencies	Number requests sent	Reply <30 Days	Reply >30 Days	Translink	2	1	1	Education Authority	3	1	2	Dfl Roads	0	0	0	NIHE	1	0	1
Statutory Agencies	Number requests sent	Reply <30 Days	Reply >30 Days																					
Translink	2	1	1																					
Education Authority	3	1	2																					
Dfl Roads	0	0	0																					
NIHE	1	0	1																					
	<div><div>Translink, Responses Outstanding</div><div>1.Tullyhogue Village, Tullyhogue 2. Brough Road, Castledawson</div></div>																							
	<div><div>Education Authority, Responses Outstanding</div><div>1. Mountjoy Road, Brocagh 2. Brough Road, Castledawson 3. Coagh, road, Stewartstown</div></div>																							
	<div><div>NIHE Responses Outstanding</div><div>1. Innishrush Village</div></div>																							
	<b>Interagency Meeting;</b> Statutory update meeting to be held with DFI Roads, Education Authority, NIHE and Translink, to discuss new Bus shelter locations, response times and any other issues, elected members to be invited for update on all existing issues regarding Bus Shelter delivery.																							
3.1	<b>Other issues:</b> None to report.																							

<b>4.0</b>	<b>Other Considerations</b>
4.1	<b>Financial, Human Resources &amp; Risk Implications</b>
	Financial: Within budget for Technical Services and Property services to action provision / installation costs within their budget.
	Risk Management: Non-delivery will have adverse impact of users of public transport.
4.2	<b>Screening &amp; Impact Assessments</b>
	Equality & Good Relations Implications: N/a
	Rural Needs Implications: N/a
<b>5.0</b>	<b>Recommendation(s)</b>
5.1	Members to note the content of the report on the progress made on bus shelters within the district.
<b>6.0</b>	<b>Documents Attached &amp; References</b>
6.1	Appendix 1 – March 2021 - Procedural guide
6.2	Appendix 2 – Progress table with comments



# Procedural Guide on the Provision of Bus Shelters



## 1.0 Bus Shelters – Mid Ulster District Council

Council is empowered under the Local Government Miscellaneous Provisions (NI) Order 1985, with the consent of the Department for Infrastructure (DfI) to erect and maintain on any road within the district of the council, shelters for the protection from the weather or persons waiting to enter public service vehicles. Bus shelters are erected following local representations. They are provided, particularly for those who have to use public services who may have to stand out in the inclement weather.

### 1.1 PROCEDURAL STATEMENT

Council will erect a bus shelter where there is shown to be a need, providing the location does not present a safety or nuisance problem and adequate funding is available. Relocation of bus shelters should only take place as a result of either road alignment or the bus companies relocating their bus stops. All other cases of relocation should be resisted as long as there is an identified need for the shelter. Any relocation as a result of retail business / property owner request will only be considered if an alternative suitable location (distance restrictions will be considered) can be accommodated AND the retail business / property owner covers all associated costs for relocated shelter.

If there is any reported anti-social behaviour over a 12 month period at the location of a new/existing shelter the shelter location will be reviewed by Council with an option to remove the shelter and make good the existing surfaces.

### 1.2 CRITERIA FOR THE ERECTION OF A BUS SHELTER

1. Usage must be a minimum of 6 passengers over a period of a day and applications will be considered on a first come, first served basis, with Translink NI / Education Authority confirming this information. Less than 6 passengers will only be considered by a Council/DEA approval process.
2. The location must be at a recognised bus stop.
3. Following validation, the Council will canvass, by post, all property addresses within 50m frontage to the bus stop (25m either side) on the erection of the shelter, including the type of shelter.
4. At least 51% of the addresses surveyed must have no objections to the shelter.

NOTE - for the purposes of assessment where 51% (rounded to the nearest whole number) of property addresses that respond indicate that they are not in favour of the erection of a shelter, then the results of the survey will be forwarded to the Environment Committee for information confirming that the shelter will not be approved or erected.)

## Appendix 1

5. There should be no Department for Infrastructure Roads objections on traffic grounds.
6. There must be sufficient budgetary provision available to provide the bus shelter.
7. All Survey results that do not meet the essential criteria to be reported to Council for consideration.
8. Once refused a request may not be considered for a further 12 month period from the original decision by Council.
9. Form TS/BSRF/01 to be completed and signed off by Head of Service.
10. Bus Shelter request to be approved by Environment Committee.

### 1.3 DESIGN OF BUS SHELTER

The Council endeavour to provide good quality, comfortable bus shelters purchased through the Procurement Department. Where appropriate they will endeavour to have bus shelters erected free of charge, other than services by Adshel.

1. All shelters within 30mph speed limits will have shelter in accordance with **Example A**, (as below).
2. All shelters outside 30mph speed limits will have shelter in accordance with **Example B**, (as below).

Council will consider in conservation areas the erection of shelters above this standard, but the cost of such shelters excluding erection and servicing costs shall not exceed £3000.00.



**Example A**, within  
30mph speed limits,  
Glazed shelter.



**Example B**, outside  
30mph speed limits,  
painted metal shelter.

## 1.4 REPLACEMENT OF BUS SHELTERS

Any defective shelters that require replacement as part of their life span to be replaced using location criteria and shelter design Examples A or B as noted above as part of the maintenance of the Council Estate .

## 1.5 PROVISION OF BUS SHELTERS – PROCESS

**Stage 1:** Send application form to person requesting Erection of Shelter.

**Stage 2:** Acknowledge receipt of request (in writing) – standard letter sent.

**Stage 3:** Carry out preliminary visit to investigate suitability of site.

**Stage 4:** Contact Translink / SELB / Private approved Coach Companies to confirm viability of erecting bus shelter i.e. recognised "Bus Stop", number and age of children, bus routes etc. 1<sup>st</sup> organisation to respond with numbers meeting the criteria i.e. 6 or more then proceed to next stage.

**Note** – shelters only provided at locations where it is confirmed a minimum of six people await / board buses.

Organisational Name	Contact Name	Contact Number	

**Stage 5:** Report to Environment Committee to seek Council approval/instruction.

**Stage 6:** Identify landowner e.g. Housing Executive, local farmer, etc. and obtain their written consent for erection of bus shelter and consult with adjoining properties (contact local Councillor and arrange site meeting if necessary). Elected members to be notified by email when letters are to be issued to neighbours for information purposes.

**Stage 7:** Send letters (with location maps) for approval/comments to DfI (Roads) / Water Service, PSNI, BT and NIE (arrange follow-up site meetings if necessary).

**Stage 8:** Sign and return DfI (Roads), Article 66, Consent/Schedule at least six days prior to erection of bus shelter.

**Stage 9:** Erect bus shelter – Example A or Example B (see 1.3).

**Stage 10:** Send request to GIS officer to have new asset plotted, and add to shelter register which is to be forwarded to Procurement Department, for insurance cover. Information to include erection/ maintenance/ ownership/ risk assessments / inspection regime / legal agreements between Council and the relevant landowners.

**Stage 11:** Report back to Council.

Date

Our Ref: MUDC/TS/BS/

The Occupier

Address 1

Address 2

Postcode

Dear Sir/Madam,

**Re: Application for Provision of Bus Shelter at [Enter Location]**

Mid Ulster District Council have received an application to erect a bus shelter at the above location and as noted in attached map (see Appendix 1).

The Council's Procedural Guide on the Provision of Bus Shelters outlines that validated applications are subject to neighbour notification. Those who meet the following criteria are eligible to register their preference on this matter:

- All property addresses within 50m frontage to the bus stop (25m either side) on the erection of the shelter, including the type of shelter

Our records indicate that this address is within 50m criteria and therefore subject to neighbour notification.

If approved Council would install Bus Shelter type **[Enter Bus Shelter Example A or B]** as detailed in Appendix 2.

On completion of this survey Council will provide a determination on this request on the basis of the majority preference as submitted. For approval to be considered, at least 51% (majority) of respondents must be in favour of the proposal.

Please read carefully the statements on the survey form attached. Tick your preferred option in the appropriate box, print your name and address and sign the document. The completed survey form(s) should be returned to this office by either:

- a. returning in Self Addressed Envelope provided, or
- b. emailing to [Technicalservices@midulstercouncil.org](mailto:Technicalservices@midulstercouncil.org)

Forms received after **[Enter Day and Date]** will not be considered.

Thank you for your time completing this survey.

If you have any queries on the above, please contact ( Officer Name ) in the Cookstown Office by email at ( ,,,,,,, ) or by telephone on 03000 132 132 Ext: 24400.

Yours faithfully,

A handwritten signature in blue ink, appearing to read 'Raymond Lowry', is enclosed in a thin black rectangular border.

Raymond Lowry  
**Head of Technical Services**

Encs.

**Cc DEA Councillors**



## **PROVISION OF BUS SHELTER – SURVEY FORM**

1. **I HAVE NO OBJECTIONS** to have a Bus Shelter erected at **[Enter Location]**

☐

2. **I DO NOT WISH** to have a Bus Shelter erected at **[Enter Location]**

☐

If you have ticked this box please give reason for objection

Reason for Objection:

Name: \_\_\_\_\_  
(CAPITALS)

Address: \_\_\_\_\_

Signature: \_\_\_\_\_

The Results of this survey will be available to view on the MUDC website  
[www.midulstercouncil.org](http://www.midulstercouncil.org) under Council Meetings but should you wish to receive written  
correspondence detailing the outcome of the survey please tick this box. ☐

### **Data Protection**

In accordance with Data Protection Legislation, Mid Ulster District Council has a duty to protect any data we hold. The information you provide on this survey form will be used for the purposes of processing your survey and will not be shared to any third party unless law or regulation compels such a disclosure. Information will be retained in accordance with the Council's Retention and Disposal Policy.

## Appendix 1

**[Insert Map of proposed Bus Shelter location]**

## Appendix 2

### BUS SHELTER TYPE

**See below Example A** - within 30mph speed limits, glazed shelter.



**See below Example B** - outside 30mph speed limits, painted metal shelter.



Table 1 – Applications awaiting formal application to be submitted (4nr)				
No	Location	Stage	Status / Comment	Progress status
1	The Mills, Coalisland	0	Application sent out for completion	New enquiry awaiting formal application
2	Thatch Inn, Hillhead Road	0	Presented to Translink for comment	Exact location for shelter to be determined in relation to A6 new road alignment
3	Killeshill- A29 Ballygawley Road	0	New enquiry, application sent	New enquiry awaiting formal application
4	119 Millix Road, Ballygawley	0	New enquiry, application sent	New enquiry awaiting formal application
Table 2 – New applications received since last Committee (1nr)				
1	Cloverhill, Moy	1	Application received	Passenger numbers requests sent to Translink and Education Authority, awaiting reply
Table 3 – STAGES 2-4, (6nr)				
1	Derryvale, Coalisland	3	Proposed location has been declined by Translink. Alternative sites being sought.	Site visit held, 08 February with DFI roads and Translink to agree site. Alternative location has been identified, Landowner to be identified as adjacent to existing field access. DFI roads to confirm.
2	Jordan Engineering, Benburb	4	Meeting to be organised with Cllr Burton on site to agree location	Site visit held, 08 February 2021 with DFI roads and Translink to review shelter location options. TS to discuss existing routes with EA, and discuss possible new location with landowner. Potential new application to be lodged by current applicant.
3	Brough Road, Castledawson (Private Application) - 2018/001	3	Application Form returned .	User numbers requested by Translink/EA . Translink Have reported 4nr passengers, EA to confirm numbers. Reported up to 21 passengers use the stop. <b>Reminder to be sent to Translink for user numbers</b>
4	Tirkane Road, Maghera	2	Application Form returned .	Site visit 08 April, identified site for shelter. User numbers to be revisited by Translink. <b>Reminder sent to Translink for user numbers</b>
5	Coagh Rd, Stewartstown	3	New application	<b>Application form signed and progressing with letters sent to Translink and EA to confirm user numbers. Translink confirmed they do not pick-up at this location. Awaiting EA response for numbers.</b>
6	Annaghmore Rd, Clonoe	3	New application	<b>Application form signed and progressing with letters sent to Translink and EA to confirm user numbers</b>
Table 4 – STAGES 5-8, (9 NR)				
No	Location	Stage	Status / Comment	Progress status
1	Tullyhogue Village	6	Residents declined original location as will promote anti-social behaviour. Limited options for alternative sites that suit bus pick-ups.	New site identified within village. Travel directions and pick up numbers confirmed with EA and Translink still to respond. Reminder sent. <b>Discussed at Statutory meeting, awaiting responses</b>
2	St Colmans Park, Moortown	6	Met applicant on site 9 October 2020, site agreed.	NIHE confirmed that they are the registered owner. Letter sent from applicant to Minister for comment on the requirement by NIHE to sell/ lease grounds. <b>Nearest neighbour returned 27 October 2021, no responses received. Proposal to move to installation stage subject to lands approval from NIHE</b>

3	Glendavagh Road, Crilly, Aughnacloy - 2016/013	6	Application Form filled in during meeting with Cllr Burton	Site visit held 08 February 2021, with DFI roads. Site identified, subject to landowner agreement. Translink confirmed 0nr users, EA confirmed 6nr users. Site visit to be confirmed with EA and DFI roads for site location.
4	Church street , Cookstown	6	Site meeting held with applicant, user number requests issued to Translink and EA	User numbers requested from Translink and EA. Translink responded to say they lift 20nr passengers. EA confirmed 10nr users. Site estate agent for adjacent vacant site to be consulted on shelter location. Reminders sent. Site meeting 08 April confirmed site for shelter subject to approval.
5	Kinrush Road/Battery Road Junction, Moortown	6	Original site limited space, alternative site to be confirmed.	Original location deemed not acceptable although alternative location has now been identified and progress to install shelter to programmed. TS programmed to discuss with DfI roads at next meeting and progress to instruct to install shelter.
6	Kingsisland Primary School	6	Final confirmation from primary school required to progress.	Meeting to be held with school on exact location of shelter, location drawing circulated to school and church for final approval for shelter location. Meeting held with Primary school. A Planning application has been lodged to extend the school. (On hold subject to Planning decision)
7	Magheracastle Road / Mountjoy Road, Brocagh	6	Pending withdrawal notification from applicant as proposed site on wrong side of the road for pick-up.	Report at next Council Site meeting held 3 August, site agreed, requests sent to Translink and EA for number confirmation. Reminders sent to both parties awaiting responses
8	Goland Road/ Armaghlughey Road, Ballygawley - 2016/015	6	Site and user numbers confirmed .	Translink users confirmed, 10nr. Location to be agreed with DFI roads./ Translink. Neighbour notification to be issued.
9	Reenaderry Rd, Reenaderry	6	New application	Application form signed. User numbers confirmed by Translink, 16nr users. Neighbour notification to be issued

Table 5 – STAGE 9, (5NR),

No	Location	Stage	Status / Comment	Progress status
1	Drumullan	9	Translink and Education Authority to confirm user numbers to progress.	Existing shelter to be replaced with new shelter ( minus one end piece ) the removal of end piece will facility access from existing footpath thus meaning users will not have to egress onto public road to access the shelter. Progress - Property services instructed to proceed with replacement shelter to be installed with narrow sides .
2	Clonoe Crossroads	9	Relocation of existing shelter as too close to junction. Land search in progress to find alternative suitable site.	Discussion with DfI have indicated a suitable location can be accommodated and subject to community engagement should be able to install. DfI Roads to check pedestrian crossing points in the locality. Relocation agreed with Translink 11 September 2020, from Dormans Bar, 30m to housing entrance. Neighbour notification approved. Minor adjustment in location.
3	Brackaville, Four Seasons Bar, Coalisland	9	Limited space on existing footpaths. Translink deemed unsafe. New site required for shelter.	Discussions with DfI Roads have indicated that potential location can be facilitated pending community engagement. Final location to be agreed with agreed applicant/resident and Property Services. Translink have approved adjusted location.

4	Main Street, Bellaghy	9	Existing shelter removed, at chemist. Proposed new sites have been identified at Seamus Heaney HomePlace.	Discussed with DfI roads and alternative 2no locations have been agreed. Translink to confirmed locations . Community engagement to complete to ensure all residents are in agreement to new shelter locations. <b>Approved, passed to Property Services 27/08/2021 for installation</b>
5	Knockloughrim Village	9	Landowner unknown for proposed site. Further investigations underway to determine landowner.	Parks department have agreed location within their site. Nearest neighbour consultation returned, did meet required criteria to proceed. Approved, passed to Property Services 27/08/2021 for installation. <b>Currently issue with bus route changing. Translink to confirm</b>

**Table 6 – Stage 10-11 - Bus Shelters Installed (13nr)**

No	Location	Stage	Status / Comment	Progress status
1	143 Omagh road, Ballygawley	10	Existing Bus stop/layby, report to committee required	Installed.
2	Millview/Dunnamore Road, Dunnamore	10	Location agreed, site, DfI Roads compliant for new location.	Installed.
3	Kildrum Estate, Galbally	10	New shelter provision at entrance to housing development.	Installed.
4	Thornhill Road, Pomeroy	10	Location opposite community Hall	Installed.
5	Killeenan Road/Camlough Road/Loughdoo Road	10	Proposal to locate shelter in Kildress GAC.	Installed.
6	Glebe Court, Castlecaulfield	10	Relocation of existing shelter, land ownership to be confirmed for new site.	Installed.
7	Culnady Village	10	Site approved in centre of village, located on DfI Roads lands.	Installed.
8	Stewartstown	10	Translink to provide Clear Channel shelter at this location. Available budget for Translink causing delay.	Installed.

9	Credit Union, Moygashel	10	Location agreed with MUDC, Translink and Cllr Cuthbertson on 28-02-2020	Installed.
10	Cappagh Village	10	Existing shelter in dangerous location, no footpath. Community request to have children lifted in the village. Limited turning space for buses in village.	Installed.
11	Whitebridge, Ballygawley	10	New request for shelter	Installed.
12	Annaghoboe Road/ Washingbay Road Junction, Clonoe - 2017/006	10	Siting of new shelter on Washingbay Road.	Installed.
13	Killeen, Lisaclore Road	10	Translink provided alternative pick-up avoiding dangerous road crossing to Coole Road. New pick-up on Lisaclore Road	Installed.

**Table 7 – Applications to be Withdrawn/ Re- visited (6Nr)**

No	Location	Stage	Status / Comment	Progress status
1	Coole Road	Revisit application	Re-open application	Discussion with DfI Roads to be held in light of new agreed process principals. Report at next Council Meeting
2	Main Street, Benburb	6	Review Application	Following recent DEA meeting 06/08/2021, Objection status still evident in current position – recommendation – seek statutory comments on the proposed slightly adjusted position
3	Innishrush Village	6	Application pending Statutory authorities meeting	Following recent DEA meeting 19/08/2021, Objection status still evident in current position – recommendation – seek statutory comments on the proposed slightly adjusted position
4	Bellaghy, Overends layby	6	Withdraw Application	Following recent DEA meeting 11/08/2021, agreed to withdraw the current application
5	Meenagh Park, Coalisland	6	Withdraw Application	Application to be withdrawn by applicant
6	Eglis View, Ballinderry	6	Application pending Statutory authorities meeting	Following recent DEA meeting, 09/08/2021. Objection status still evident in current position – recommendation – seek statutory comments on the proposed slightly adjusted position

<b>Report on</b>	NI Biodiversity Strategy 2032
<b>Date of Meeting</b>	6 <sup>th</sup> December 2021
<b>Reporting Officer</b>	Raymond Lowry (Head of Technical Services)

<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	Mid Ulster District Council have been asked by DAERA on the 8 <sup>th</sup> November 2021 to input into the draft Strategic Targets set out for the new NI Biodiversity Strategy 2032. A response was due 3 <sup>rd</sup> December 2021 is currently being drawn up by Council Officers, and will be submitted to the January 2022 Committee meeting for comments / approval.
<b>2.0</b>	<b>Background</b>
2.1	With the previous NI Biodiversity Strategy to 2020 now elapsed, the Executive agreed to the development of a new Strategy. It is intended to develop this new Biodiversity Strategy to meet the challenges faced by the natural environment.
2.2	The scientific evidence points to an on-going decline in the world's overall biodiversity; with that trend very much mirrored in Northern Ireland. Internationally the United Nations, through the Convention on Biological Diversity (CBD), is refocusing its intention on reducing the loss of biodiversity through a Global Biodiversity Framework. This framework has been developed internationally with DEFRA representing the UK. Work is ongoing but it is likely that the framework will include the 21 strategic targets shown in Appendix A.
2.3	The CBD intends to get international agreement to the framework at the Council of the Parties meeting (CoP15) in May 2022 in China. In the meantime the four UK countries are refreshing their strategies, based on the draft framework.
2.4	The framework is very cross cutting and while the targets focus on many of DAERA's responsibilities, there are aspects of the targets which are relevant to Mid Ulster District Council.
2.5	Mid Ulster District Council are already taking actions which support and fulfil obligations in the NI Biodiversity Strategy. Through biodiversity initiatives both on council's own properties, and working with local community groups, local residents and schools, positive contributions are being made to a range of targets laid out in the Strategy.

<b>3.0</b>	<b>Main Report</b>
3.1	The draft response will be submitted to the Committee in January 2022. Council Officers have been in contact with the DAERA officials and extension of time has been granted for the response until end of January 2022.
<b>4.0</b>	<b>Other Considerations</b>
<b>4.1</b>	<b>Financial, Human Resources &amp; Risk Implications</b>
	Financial: Nil
	Human: Staff time to collate the necessary information from various departments throughout the Council.
	Risk Management: Failure to respond will have negative impact to Councils Biodiversity impacts
<b>4.2</b>	<b>Screening &amp; Impact Assessments</b>
	Equality & Good Relations Implications: N/a
	Rural Needs Implications: N/a
<b>5.0</b>	<b>Recommendation(s)</b>
5.1	Members to note the content of this report and the action that has been requested of Council in regards to the draft Strategic Targets set out for the new NI Biodiversity Strategy 2032.
<b>6.0</b>	<b>Documents Attached &amp; References</b>
6.1	Appendix 1 – NI Biodiversity Strategy 2032 – Strategic Targets.

**Regulatory and Natural Heritage Policy  
Division  
Klondyke Building  
Cromac Avenue  
Belfast  
BT7 2JA  
Telephone: 028 9056597  
Email: [biodiversity.policy@daera-ni.gov.uk](mailto:biodiversity.policy@daera-ni.gov.uk)**

**Your reference:  
Our reference: 1121/BIO/02  
Date: 8th November 2021**

## **BIODIVERSITY STRATEGY TO 2032**

1. With the previous Biodiversity Strategy to 2020 now elapsed, you will recall the Executive's agreement to the development of a new document in April 2021. It is intended to develop a new Biodiversity Strategy to meet the challenges faced by the natural environment, and to secure your input to the document.

### Background

2. The scientific evidence points to an on-going decline in the world's overall biodiversity; with that trend very much mirrored in Northern Ireland. Internationally the United Nations, through the Convention on Biological Diversity (CBD), is refocusing its intention on reducing the loss of biodiversity through a Global Biodiversity Framework. This framework has been developed internationally with DEFRA representing the UK. Work is ongoing but it is likely that the framework will include the 21 strategic targets set out at **Annex A**.
3. The CBD intends to get international agreement to the framework at the Council of the Parties meeting (CoP15) in May 2022 in China. In the meantime the four UK countries are refreshing their strategies, based on the draft framework.

### What is required?

4. The framework is very cross cutting and while the targets focus on many of DAERA's responsibilities including agriculture, forestry, fishing and other marine activities, there are aspects of the targets which are relevant to other bodies, including your



Department. You will also see that there are links within the biodiversity targets to address some of the issues affecting climate change, which is very relevant to the CoP 26 climate conference in Glasgow.

5. In order to assist with development of the new strategy, we would like you to tell us in relation to strategic targets; 3,8,14, and 15.

(i) How your area of responsibility relates to biodiversity?

(ii) What factors or changes do you intend to put in place that could benefit biodiversity – or possibly be counterproductive?

(iii) What do you envisage needs to happen in the medium to long term to assist “turning the curve” in terms of restoring species or habitats to a better overall ecological condition? And

(iv) What overall strategic milestones or outcomes do you envisage are required?

6. In addition, is there any other information in relation to other targets outside your direct area of responsibility that you may wish to highlight?

#### What will we do with the information?

7. We will coordinate all responses, edit and integrate them into an overall part of the strategy document which we will share with you. We would be happy to discuss our thinking with you prior to receiving your input if you think this would be helpful, either on a one to one basis or relevant group.

#### When do we need your input?

8. While we can progress parts of the document your input is fundamental to DAERA's overall direction in terms of safeguarding and restoring biodiversity. Therefore your input should be with us by Friday 3<sup>rd</sup> December 2021.
9. Many thanks in anticipation of your response to help ensure we have a strategy document that will help NI to make a positive benefit to our natural environment.

**KEN BRADLEY**  
**Regulatory & Natural Resources Policy Division**  
**DAERA**

## Reducing threats to biodiversity

**Target 1.** Ensure that all land and sea areas globally are under integrated biodiversity-inclusive spatial planning addressing land- and sea-use change, retaining existing intact and wilderness areas.

**Target 2.** Ensure that at least 20 per cent of degraded freshwater, marine and terrestrial ecosystems are under restoration, ensuring connectivity among them and focusing on priority ecosystems.

**Target 3.** Ensure that at least 30 per cent globally of land areas and of sea areas, especially areas of particular importance for biodiversity and its contributions to people, are conserved through effectively and equitably managed, ecologically representative and well-connected systems of protected areas and other effective area-based conservation measures, and integrated into the wider landscapes and seascapes.

**Target 4.** Ensure active management actions to enable the recovery and conservation of species and the genetic diversity of wild and domesticated species, including through ex situ conservation, and effectively manage human-wildlife interactions to avoid or reduce human-wildlife conflict.

**Target 5.** Ensure that the harvesting, trade and use of wild species is sustainable, legal, and safe for human health.

**Target 6.** Manage pathways for the introduction of invasive alien species, preventing, or reducing their rate of introduction and establishment by at least 50 per cent, and control or eradicate invasive alien species to eliminate or reduce their impacts, focusing on priority species and priority sites.

**Target 7.** Reduce pollution from all sources to levels that are not harmful to biodiversity and ecosystem functions and human health, including by reducing nutrients lost to the environment by at least half, and pesticides by at least two thirds and eliminating the discharge of plastic waste.

**Target 8.** Minimize the impact of climate change on biodiversity, contribute to mitigation and adaptation through ecosystem-based approaches, contributing at least 10 GtCO<sub>2</sub>e per year to global mitigation efforts, and ensure that all mitigation and adaptation efforts avoid negative impacts on biodiversity.

## Meeting people's needs through sustainable use and benefit-sharing

**Target 9.** Ensure benefits, including nutrition, food security, medicines, and livelihoods for people especially for the most vulnerable through sustainable management of wild terrestrial, freshwater and marine species and protecting customary sustainable use by indigenous peoples and local communities.

**Target 10.** Ensure all areas under agriculture, aquaculture and forestry are managed sustainably, in particular through the conservation and sustainable use of biodiversity, increasing the productivity and resilience of these production systems.

**Target 11.** Maintain and enhance nature's contributions to regulation of air quality, quality and quantity of water, and protection from hazards and extreme events for all people.

**Target 12.** Increase the area of, access to, and benefits from green and blue spaces, for human health and well-being in urban areas and other densely populated areas.

**Target 13.** Implement measures at global level and in all countries to facilitate access to genetic resources and to ensure the fair and equitable sharing of benefits arising from the use of genetic resources, and as relevant, of associated traditional knowledge, including through mutually agreed terms and prior and informed consent.

### Tools and solutions for implementation and mainstreaming

**Target 14.** Fully integrate biodiversity values into policies, regulations, planning, development processes, poverty reduction strategies, accounts, and assessments of environmental impacts at all levels of government and across all sectors of the economy, ensuring that all activities and financial flows are aligned with biodiversity values.

**Target 15.** All businesses (public and private, large, medium and small) assess and report on their dependencies and impacts on biodiversity, from local to global, and progressively reduce negative impacts, by at least half and increase positive impacts, reducing biodiversity-related risks to businesses and moving towards the full sustainability of extraction and production practices, sourcing and supply chains, and use and disposal.

**Target 16.** Ensure that people are encouraged and enabled to make responsible choices and have access to relevant information and alternatives, taking into account cultural preferences, to reduce by at least half the waste and, where relevant the overconsumption, of food and other materials.

**Target 17.** Establish, strengthen capacity for, and implement measures in all countries to prevent, manage or control potential adverse impacts of biotechnology on biodiversity and human health, reducing the risk of these impacts.

**Target 18.** Redirect, repurpose, reform or eliminate incentives harmful for biodiversity, in a just and equitable way, reducing them by at least US\$ 500 billion per year, including all of the most harmful subsidies, and ensure that incentives, including public and private economic and regulatory incentives, are either positive or neutral for biodiversity.

**Target 19.** Increase financial resources from all sources to at least US\$ 200 billion per year, including new, additional and effective financial resources, increasing by at least US\$ 10 billion per year international financial flows to developing countries, leveraging private finance, and increasing domestic resource mobilization, taking into account national biodiversity finance planning, and strengthen capacity-building and technology transfer and scientific cooperation, to meet the needs for implementation, commensurate with the ambition of the goals and targets of the framework.

**Target 20.** Ensure that relevant knowledge, including the traditional knowledge, innovations and practices of indigenous peoples and local communities with their free, prior, and informed consent, guides decision-making for the effective management of biodiversity, enabling monitoring, and by promoting awareness, education and research.

**Target 21.** Ensure equitable and effective participation in decision-making related to biodiversity by indigenous peoples and local communities, and respect their rights over lands, territories and resources, as well as by women and girls, and youth.



<b>Report on</b>	Update on the Agewell programme between 1 <sup>st</sup> April and 30 <sup>th</sup> September 2021
<b>Date of Meeting</b>	6 <sup>th</sup> December 21
<b>Reporting Officer</b>	Fiona McClements

<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 provide Members with an update on the Agewell programme for the first 6 months of the financial year.
<b>2.0</b>	<b>Background</b>
2.1	Members would be aware of the 3-year contract in place with Agewell Mid Ulster. The service is funded by community planning partners including the Northern and Southern Trusts, the Public Health Agency, the Police and Community Safety Partnership, the NI Housing Executive and the Environmental Health department of Mid Ulster District Council. . The main deliverables of the programme are Good morning calls and the Handyvan scheme.
<b>3.0</b>	<b>Main Report</b>
3.1	<p>The contract includes the following main targets:</p> <ul style="list-style-type: none"> <li>• Good morning/afternoon calls to minimum 450 calls per day engaging clients and allow time for addressing individual client needs. Calls to be made between 8:30am and 1pm with a facility to carry out calls on demand up to 3pm.</li> <li>• If visual enabled technology is available to clients, then the preferred option would be a visual communication. Breakdown of calls to be recorded per Trust area and reported back to MUDC as agreed at initial contract stage.</li> <li>• Minimum of 1,200 maintenance visits (average 1.5hrs/visit) pa. Visits to include: <ul style="list-style-type: none"> <li>➤ 300 security equipment pieces (key safes, alarms and any other relevant security/ safety equipment.)</li> <li>➤ 300 Referrals and advice on other programmes for older people.</li> </ul> </li> <li>• Establish a robust referral system between complementary programmes; e.g. Council's Home Accident Prevention, and Energy Efficiency programmes</li> <li>• 420 handyvan visits carried out this period: Handymen are allowed sufficient time to engage with clients &amp; address problems.</li> <li>• Promotion of open space, parks, civic spaces, recreation and events.</li> </ul>

### Update

- 3.2 Over the 6 month period the number of calls has ranged between 666 and 676 calls per day engaging Clients ensuring enough time is allocated to address individual client needs. Calls commence daily at 8.20am finishing at 1.15pm with staff in the office to carry out calls on demand up to 3.00pm. The telephone is Agewell's most useful resource with many of Clients over 75 preferring this option. Skype is also available.
- 3.3 8.3% of Clients were progressed through assessment – 23 clients had days decreased, 25 clients exit the call, 3 clients' days increased. Signposting to other services has been reduced due to the pandemic.
- 3.4 During this period approximately 200 Security Visits have taken place to carry out installation of key safes, alarms, cameras, door brace, remote control socket set, smoke alarm, carbon monoxide alarm, and doorbell.
- 3.5 There are approximately 90 Referrals during this 6 month this period to other services such as Benefit Advice, Careline, Age NI, CPO, Post Office, Social Security Office, MUDC warm homes/bin collection, Pest Control Services, Community Navigator, Hope Foodbank, NIHE and the Electoral office. Mid Ulster Agewell operates an effective two-way referral pathway system between all partner agencies and programmes.
- 3.6 Health messages are promoted to ensure Clients are fully informed – initiatives such as palliative care week, update information on vaccination clinics, community initiatives, fitness/keep active programmes, self-care.
- 3.7 Agewell has been greatly impacted by the Covid -19 pandemic and the Home Maintenance target is currently behind schedule and Agewell have advised that this is due to:
- Referral Partners/Agencies continuing to work from home and are therefore not carrying out face to face consultations.
  - Our older and vulnerable people are continuing to curtail contact with people due to Covid-19 in order to keep themselves safe and are restricting the number of people to their home unless in exceptional circumstances.
  - The Crime Prevention Officers have been reduced from 2 to 1 full time worker and this has had a significant decrease in the number of referrals from this service.
  - Mid Ulster Agewell has produced a promotional leaflet for the Home Maintenance Service and this leaflet has been circulated via the Partnership, Referral Partners and Agencies to encourage referrals into the Project.
  - Some of the Home Maintenance jobs require both handymen to visit the home.
  - The Community Engagement Officer's role has changed and adapted due to Covid -19 as many of the Community Groups and Support Networks remain closed and therefore visits were curtailed.

3.8	Agewell have advised that it is very difficult to move clients on from the Good Morning Call since the Pandemic as many of the Support Networks, Groups and Programmes ceased to operate and many currently remain closed or are operating on a reduced scale/numbers.
3.9	These matters have been brought to the attention of the Contract Management Group and the Health and Wellbeing Community Planning Steering Group. Partners have acknowledged the impact of the pandemic on the service.
<b>4.0</b>	<b>Other Considerations</b>
<b>4.1</b>	<b>Financial, Human Resources &amp; Risk Implications</b>
	Financial: Within budget
	Human: Contract management time for MUDC staff
	Risk Management: N/a
<b>4.2</b>	<b>Screening &amp; Impact Assessments</b>
	Equality & Good Relations Implications: N/a
	Rural Needs Implications: N/a
<b>5.0</b>	<b>Recommendation(s)</b>
5.1	Members are asked to note the content of the report.
<b>6.0</b>	<b>Documents Attached &amp; References</b>
	None.



<b>Report on</b>	Regional Environmental Health response to the Assembly's Committee for Communities 'Call for Views' on the new Private Tenancies Bill
<b>Date of Meeting</b>	6 <sup>th</sup> December 2021
<b>Reporting Officer</b>	Fiona McClements

<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 inform Members of an EHNI response forwarded to SOLACE following the Assembly's Committee for Communities 'Call for Views' on the new Private Tenancies Bill, which focuses on the role and regulation of the private rented housing sector.
<b>2.0</b>	<b>Background</b>
2.1	In October 2021, the Assembly's Committee for Communities launched its 'Call for Views' on the new Private Tenancies Bill, which focuses on the role and regulation of the private rented housing sector. The closing date for responses was Friday 29 <sup>th</sup> October 2021.
2.2	If passed, this new Bill will provide tenants with better protection by ensuring landlords and agents meet regulations about the quality and safety of the accommodation offered. It also seeks to safeguard tenants by ensuring a legislative requirement for written tenancy agreements, restrictions on rent increases and an increase in the eviction notice period.
2.3	The private rental sector has grown considerably over the past decade, particularly for the 25 - 34 age group. It now accounts for more than 17% of housing stock in Northern Ireland. This growth is likely to continue if first time buyers are priced out of the market due to rising house prices and the potential shortage of accessible and affordable mortgage products.
<b>3.0</b>	<b>Main Report</b>
3.1	In response to the Assembly call for evidence, the attached response was prepared by EHNI and approved by SOLACE (see Appendix 1).
3.2	Environmental Health has a very long tradition of involvement in the private rented sector, primarily through its role in regulation of housing standards but also in respect of its statutory duties under the Public Health Acts. The enhanced powers devolved to district councils under the Private Tenancies (NI) Order 2006 (PTO) along with the transfer of the regulation of Houses in Multiple Occupation (HMOs) in 2018, confirms the importance of the evolving role that district councils have in

	regulating the private rented sector. EHNI therefore welcomes that it has been seen as a key consultee in this process
3.3	Following on from this Committee's call for evidence, the decisions taken by the Department relating to areas that impact in the development of a long-term strategy for the private rented sector, will have a significant impact on the existing and evolving regulatory and advisory roles of Councils and other stakeholders in relation to its statutory housing functions
3.4	Therefore, whilst the additional regulation of the privately rented sector is to be welcomed, the resourcing of these additional powers, potentially being granted to Councils, will require to be evaluated in advance by the Department before commencement. There is no indication from the Department that any additional funding will be made available to Councils and that the introduction of some fixed penalty offences is not an adequate model, or sufficiently evidenced to fund the additional resources required. There will be additional and new work for Councils if they are required to undertake this role. A properly evaluated analysis of impact on Councils would need to be undertaken and a suitable funding model identified and agreed before these can be facilitated and commenced so that there is no impact on the rate payers due to additional burdens to Councils.
<b>4.0</b>	<b>Other Considerations</b>
<b>4.1</b>	<b>Financial, Human Resources &amp; Risk Implications</b>
	Financial: Potential staff costs.
	Human: There will be additional and new work for Councils if they are required to undertake this role that would require allocation of resource.
	Risk Management: N/a
<b>4.2</b>	<b>Screening &amp; Impact Assessments</b>
	Equality & Good Relations Implications: N/a
	Rural Needs Implications: N/a
<b>5.0</b>	<b>Recommendation(s)</b>
5.1	Members are requested to note the content of this report.
<b>6.0</b>	<b>Documents Attached &amp; References</b>
6.1	Appendix 1 – EHNI response to the Assembly's Committee for Communities 'Call for Views' on the new Private Tenancies Bill.

## **COMMUNITIES COMMITTEE CALL FOR VIEWS ON THE PRIVATE TENANCIES BILL**

### **Response By EHNI**

**November 2021**

#### **Key comments**

Environmental Health has a very long tradition of involvement in the private rented sector, primarily through its role in regulation of housing standards but also in respect of its statutory duties under the Public Health Acts. The enhanced powers devolved to district councils under the Private Tenancies (NI) Order 2006 (PTO) along with the transfer of the regulation of Houses in Multiple Occupation (HMOs) in 2018, confirms the importance of the evolving role that district councils have in regulating the private rented sector. EHNI therefore welcomes that it has been seen as a key consultee in this process

Following on from this Committee's call for evidence, the decisions taken by the Department relating to areas that impact in the development of a long-term strategy for the private rented sector, will have a significant impact on the existing and evolving regulatory and advisory roles of Councils and other stakeholders in relation to its statutory housing functions

Therefore, whilst the additional regulation of the privately rented sector is to be welcomed, the resourcing of these additional powers, potentially being granted to Councils, will require to be evaluated in advance by the Department before commencement. There is no indication from the Department that any additional funding will be made available to Councils and that the introduction of some fixed penalty offences is not an adequate model, or sufficiently evidenced to fund the additional resources required. There will be additional and new work for Councils if they are required to undertake this role. A properly evaluated analysis of impact on Councils would need to be undertaken and a suitable funding model identified and agreed before these can be facilitated and commenced so that there is no impact on the rate payers due to additional burdens to Councils.

#### **Clauses 1 and 2:**

##### **Tenant to be given notice regarding certain matters; grant of tenancy:**

This introduces a requirement for the landlord of a private tenancy to provide the tenant, free of charge, with a written statement of the main terms of the tenancy within 28 days of the granting of the tenancy. The information and details of the tenancy required to be included in

the notices provided by landlords will be prescribed in regulations made by the Department. This clause will apply to all new tenancies.

**Tenant to be given notice regarding certain matters; variation of certain terms:**

**Tenant to be given notice regarding certain past matters**

This clause enables any tenant where the tenancy was granted on or after 30 June 2011 (date that previous Article 4 was repealed) but before the date on which the Bill comes into operation to be provided, free of charge, with a written statement of the main terms of the tenancy or any alterations to said agreement.

***Comment:** These provisions are to be welcomed as all tenants should be provided with the necessary information in respect of their tenancy. There may be significant resources required from landlords and Councils as the enforcing authority, following the 29<sup>th</sup> day after the retrospective clause is commenced due to every existing tenancy granted on or after 30 June 2011 potentially having to be provided prescribed information in prescribed format sent to their tenants. EHNI would be interested in exactly what terms the landlord will have to provide to the tenant and how tenants will be made aware of their right to a retrospective statement. In Scotland and England, landlords are also obliged to issue tenants with an “easy read” guide to assist the tenants in understanding the terms of their agreement. Model tenancy terms have also been issued by these devolved governments to assist landlord and letting agents. There will be an opportunity for Councils to discharge this offence through the fixed penalty regime.*

*EHNI would like to know what the Department’s plans are for the Tenancy Terms Regulations (Northern Ireland) 2007 which that at the time prescribed the information required. What is the status of these regulations as they were made under Article 4(1) and 72(1) of the PTO2006? <https://www.legislation.gov.uk/nisr/2007/87/made>*

*This Bill will reintroduce Article 4 into the PTO. The above-named regulations as written could be considered outdated and will need reviewed and changed.*

*The regulations giving the ‘prescribed’ information should be in place before commencement.*

*EHNI considers that a longer lead-in time or time required to comply would be needed for landlords of retrospective tenancies to help manage this change in requirement.*

**Clause 3: Tenant to be provided with a rent receipt for payment in cash**

The substitution will remove the requirement for landlords to provide tenants with a rent book. However, Clause 3 aims to provide safeguards for tenants by requiring that the landlord provides the tenant, free of charge, with a receipt for rent paid in cash. The receipt must contain certain prescribed information. Paragraph (8) provides for the offence to be a continuing offence and allows for punishment where a landlord is deemed to commit a further offence.

***Comment:*** *This change is welcomed to bring receipting of rent payment in line with current practices. The requirement states as soon as reasonably possible so guidance will be to be issued to define this. The Department may want to consider introducing a requirement for landlords to provide a receipt for cash tenancy deposits.*

*There will be an opportunity for Councils to discharge this offence through the fixed penalty regime.*

**Clause 4: Limit on tenancy deposit amount; Breach of tenancy deposit limit; recoverability of excess**

This clause limits the amount of deposit that is required in connection with a private tenancy to no more than 1 month's rent and where an excess of 1 month's rent has been paid then the amount exceeding that amount is recoverable by the person that paid it. This will only apply to deposits received after the commencement of this Bill and not retrospectively to those deposits taken before the legislation comes into operation.

***Comment:*** *It should also be noted that the fees associated with renting a property can also contribute to affordability issues for households on low incomes. This can be particularly acute for benefit claimants, working poor and students. There appears to be more financial assistance to renters in England. EHNI would be concerned that the limit on a deposit may lead landlords to ask for 2 months' rent in advance which isn't protected by the deposit scheme. The section relating to the recovery of an excess deposit states that the court may order the excess deposit to be paid back after a conviction. This would mean that matters discharged by a fixed penalty would not result in excess deposit be recovered.*

*The Department should consider the introduction of a limit on landlords asking for more than one month's rent in advance. In the Republic of Ireland from August 2021, landlords can only*

*ask one month's deposit and one month's rent in advance. Northern Ireland does not currently have a statutory regulatory framework for letting agents or for letting agent fees. The Commission on the Disposals of Land (Northern Ireland) Order 1986 covers this issue, but this requires tenants to take their own action. EHNI would have welcomed regulations to regulate letting agents within this Bill.*

*There will be an opportunity for Councils to discharge this offence through the fixed penalty regime.*

#### **Clause 5: Tenancy deposit schemes: time limits**

This extends the time limits for a deposit to be protected in an approved scheme in paragraph (3) from 14 days to 28 days and gives additional time for a landlord to provide the information to the tenant and amends paragraph (6)(b) from 28 days to 35 days.

***Comment*** *This proposal appears to be designed to assist landlords/agents who manage several properties where the tenancies change at specific times of the year.*

#### **Clause 6: Certain offences in connection with tenancy deposits to be continuing offences**

Clause 6 amends Article 5B of the 2006 Order making the offences under Article 5B (3) or (6) a continuing offence as long as the tenancy deposit breach persists. There will be no time barrier on prosecuting a person who fails to comply with the set requirements.

***Comment:*** *This amendment is welcomed as currently there is a 6-month statute time bar on cases being presented in court.*

#### **Clause 7: Restriction on rent increases**

This provides that the rent payable under a private tenancy may not be increased more than once in any 12-month period. This will mean that there is no restriction upon when the first increase may take place but there must be a minimum of 12 months between increases. Any proposed increase should be made in writing and applies to any private tenancy, except a controlled tenancy

***Comment:*** *This clause has no detail regarding an offence for not doing what is required, no penalty for not adhering to the requirements and no enforcement authority in relation to investigation of this matter. EHNI would also have concerns relating to historic rent increases. This clause would seem to imply that the offence may be taken back to first 12 months of the tenancy.*

*There is a mechanism for tenants in both Scotland and the Republic of Ireland to challenge a rental increase and to have it reassessed by a third party. There appears to be no such plans for NI.*

*If regulations are made to specify circumstances in which this requirement does not apply, it should be made very clear that it should be substantial work when referring to 'renovated, refurbished, altered or extended'.*

#### **Clause 8: Fire, smoke and carbon monoxide**

This sets out a requirement on private landlords to provide fire, smoke and carbon monoxide detectors and details the landlord and tenant duties with regard to these.

The Department will subsequently bring forward proposals in regulations with the standards expected which are intended to reduce the risk of injury or death caused by fire, smoke or carbon monoxide.

This clause provides that a landlord is guilty of an offence under this Order with punishment and prosecution of offences up to level 4 on the standard scale, paragraph (4) refers to the option to consider a fixed penalty notice under the 2006 Order fixed penalty regime.

***Comment:*** *EHNI is disappointed that the review of the Fitness standard was not included in this Bill and the following clauses do not go far enough to improve physical standards in the sector and that the Bill should consider all matters affecting the risk of fire and escape from fire. It has been previously highlighted to the Department that 2-bedroom flats which were regulated under the old NIHE HMO regime, have no regulation in terms of fire safety and means of escape. This gap needs to be addressed urgently by the Department. EHNI understands that the review of the Fitness Standard will be part of phase 2 of the review of the private rented sector and EHNI are keen to participate in this review.*

*EHNI would request that the wording is changed slightly so that in relation to 11B(1) the landlord under a private tenancy must supply and keep in repair and in proper working order.*

*EHNI would ask for guidance on provision of battery powered devices versus hard wired installation and location of installation like the new Scottish provisions, or perhaps this be contained in the Regulations made under this clause. EHNI is unsure as to what regime will be put in place for properties which have not presently got devices installed. Also EHNI*

would like to know how this requirement will work for those with additional needs such as a hearing impairment who require specialist devices.

*The Department should note that the requirement under Building Regulations for installation of smoke alarms only applies to properties built or substantially renovated after 1994.*

*Whilst it would appear that there is an offence under 11B (1) EHNI has concerns in relation to fire safety in those common parts of the tenancy as there does not appear to be an offence for this area in 11D. Section 11F states that a landlord is not obliged to repair the item, if they don't have knowledge of the disrepair. Guidance, advice, and information will need to be provided for tenants to ensure they have proof of reporting a fault. EHNI would ask that the reporting of disrepair to appliances be added to the tenant's duties in 11C. The Department could introduce regulations/guidance to be provided so that landlords will know of disrepair items through periodic checks/inspection of their properties*

*EHNI would like to know if the Department will publish guidance for landlords on the new requirements. If so, will the guidance be statutory or non-statutory? The new requirements are applicable to private tenancies on or after the date in which Section 8 of the new Act becomes law. It will also apply to tenancies before that date but only from a "prescribed date"; what will this "prescribed date" be? How will compliance with the new duties be monitored and enforced? Will there be mechanisms established whereby information can be shared by the Fire Service and local councils in respect of potential failures to adhere to the new requirements?*

*There will be an opportunity for Councils to discharge this offence through the fixed penalty regime.*

### **Clause 9: Energy Efficiency Regulations**

Clause 9 introduces Schedule 2 and notes its purpose with the provision of an enabling power to make regulations concerning the energy efficiency of dwelling houses let under a private tenancy. Regulations will be made so that a tenancy cannot be granted or let if the EPC is below a certain value.

**Comment:** *These proposals are welcomed, however there is currently very little detail as to what the minimum rating will be, or if it will be accompanied by some form of financial assistance model to help landlords upgrade their properties. The Department has indicated*

*that it will be working with experts in energy efficiency and the Department of the Economy (who are developing the Energy Strategy) and will bring forward proposals on an appropriate EPC standard; the timeframes for delivery and proposals around exemptions for some properties. EHNI look forward to further consultation and information on new regulations would bring to the Departments attention to the need for an updated fuel poverty strategy considering the tenure with the highest proportion in fuel poverty in 2016 was the private rented sector (35,700; 26%), NIHCS 2016, NIHE.*

#### **Clause 10: Electrical safety standards Regulations**

Clause 10 introduces Schedule 3 and notes its purpose with the provision of an enabling power for the Department to make regulations concerning electrical safety standards in private tenancies.

**Comment:** *The issue of electrical installations in the private rented sector have been a great concern for EHNI and we would welcome any requirement to have regular checks along with certification and enforcement. We would welcome new mandatory electrical testing such as that which exists in Scotland. The provisions there include properties to have fixed wiring checks, Electrical Installation Condition Report, at least every 5 years. The EICR must also include a PAT test (Portable Appliance Test) on portable electric appliances that the landlord has included as part of the rental. There should however be further consultation in regard to what is a competent person.*

*EHNI would request that a copy of the EICR should be produced by the landlord on request by the enforcing Council within a specific time frame.*

*EHNI would request that a clause is included regarding Gas Safety with the requirement for annual checks by a registered gas engineer. This is enforced by HSENI at present but we would believe that as the enforcement authority for Private Tenancies Order 2006 , this requirement would be better serviced by district councils with the offence included within Private Tenancies Order similar to the above mentioned Electrical requirements.*

#### **Clause 11: Notice to Quit**

This clause will now extend the mandatory notice to quit period for landlords to provide to tenants to 8 weeks (after the first 12 months and until the tenancy is 10 years old). The notice to quit for tenancies longer than 10 years will remain unchanged at 12 weeks.

In the case where a notice by a landlord is issued for a tenant to quit a dwelling house under a private tenancy this will have to be provided in the prescribed form and must contain prescribed information as subsequently set by the Department in regulations.

In the case where a notice by a tenant is given, such a notice will need to be given in writing with the relevant period being 4 weeks if the tenancy has not been in existence for more than 10 years; 12 weeks if the tenancy has been in existence for more than 10 years.

This clause includes a provision to alter the notice to quit periods by way of regulations by draft affirmative procedure and must consult with landlord and tenant representatives before laying any drafts. The clause also gives a prescribed form and information to be contained in the notice.

***Comment:*** *Proposal is welcomed but EHNI would welcome additional proposals in respect of grounds for eviction which other jurisdictions have in place to reduce the number of retaliatory evictions. The Department should consider the position of accidental tenants (e.g., family members of deceased and short-term rental arrangements)*