



18th August 2022

**TO: The Right Worshipful the Mayor, Aldermen and Councillors
of Lisburn & Castlereagh City Council**

A meeting of Lisburn & Castlereagh City Council will be held on **Tuesday, 23rd August 2022** at **7:00 pm** in the Council Chamber and remote locations for the transaction of the business on the undernoted agenda.

For those Members attending this meeting remotely, the Zoom details are included in the Outlook invitation that has been issued.

A hot buffet will be served in Lighters Restaurant at 6.00 pm for those Members who have confirmed in advance.

DAVID BURNS
CHIEF EXECUTIVE
LISBURN & CASTLEREAGH CITY COUNCIL

Agenda

1.0 BUSINESS OF THE RIGHT WORSHIPFUL THE MAYOR

 *Mayor and Deputy Mayor Engagements for Council Meeting August 2022.pdf*

Page 1

2.0 APOLOGIES

3.0 DECLARATIONS OF MEMBERS' INTERESTS

- (i) conflict of interest on any matter before the meeting (Members to confirm the specific item)
- (ii) pecuniary or non-pecuniary interest (Member to complete disclosure of interest form)

4.0 COUNCIL MINUTES

4.1 Meeting of Council held on 28 June 2022

 *MM 28.06.2022 Draft Minutes for Adoption.pdf*

Page 4

5.0 MATTERS ARISING

6.0 DEPUTATIONS

(None)

7.0 BUSINESS REQUIRED BY STATUTE

7.1 Signing of Legal Documents

1. Lisburn and Castlereagh City Council and Phillips Contracts (DPK) Ltd, 76 Killyleagh Road, Downpatrick BT0 9PN – Contract for Tender for Blaris Road Car Park
2. Lisburn and Castlereagh City Council and JPM Contracts Ltd, 79 Main Street, Dungiven, Co Derry BT47 4LE – Contract for T2122-053 Tender for the Provision of Play Park Repairs
3. Lisburn and Castlereagh City Council and Play and Leisure, 31 Carrowdore Road, Greyabbey, Newtownards BT22 2LU – Contract for T2122-053 Tender Play Park Repairs
4. Lisburn and Castlereagh City Council and Garden Escapes, 43C Ballycreen Road, Ballynahinch BT24 8UB – Contract for T2122-053 Tender Play Park Repairs

5. Lisburn and Castlereagh City Council and Lars Play Ltd, 38 Garvagh Road, Dungannon BT70 3LS – Contract for T2122-053 Tender for Play Park Repairs
6. Lisburn and Castlereagh City Council and Gordons Electrical Supplies, 49 Windmill Street, Ballynahinch BT24 8HB – Contract for T21/22-011 Tender for the Supply and Delivery of Electrical Goods and Fittings
7. Lisburn and Castlereagh City Council and Edmundsons Electrical Ltd, 58 Boucher Place, Belfast BT12 6HT – Contract for T21/22-011 Tender for the Supply and Delivery of Electrical Goods and Fittings
8. Lisburn and Castlereagh City Council and YESSS Electrical, YESSS House, Foxbridge Way, Normanton WF6 1TN – Contract for T21/22-011 Tender for the Supply and Delivery of Electrical Goods and Fittings
9. Lisburn and Castlereagh City Council and Norspace, 2 Glenavy Road, Upper Ballinderry, Lisburn BT28 2EU – Contract for Tender for the Hire, Delivery, Collection and Servicing of Portable Chemical Toilets
10. Lisburn and Castlereagh City Council and Sunbelt Rentals, Unit 4, Loughside Industrial Estate, 16 Michelin Road, Belfast, Newtownabbey BT36 4PT – Contract for Hire, Delivery and Collection of Crowd Control Barriers
11. Lisburn and Castlereagh City Council and Webro Engineering Ltd, 26 Harrys Road, Hillsborough BT26 6JH – Contract for Tender for the Provision of Maintenance/Reactive Repairs for Multi-Use Games Area (MUGA) Lighting Contract
12. Lisburn and Castlereagh City Council and B I Electrical Services, 11 Michelin Road, Newtownabbey BT36 4PT – Contract for Tender for call off framework agreement for provision of Electrical Services, Reactive and Project works to Council Facilities for period 01/04/2022 – 31/03/2023
13. Lisburn and Castlereagh City Council and Irwins M&E, Unit 4, Diviny Drive, Portadown, Craigavon BT63 5WE – Contract for Tender for call off framework agreement for provision of Electrical Services, Reactive and Project works to Council Facilities for period 01/04/2022 – 31/03/2022

14. Lisburn and Castlereagh City Council and JF & H Dowds, 2-4 Milltown Road, Ballymoney BT53 6LE – Contract for Tender for call off framework agreement for provision of Electrical Services, Reactive and Project works to Council Facilities for period 01/04/2022 – 31/03/2023
15. Lisburn and Castlereagh City Council and Andersons Mechanical, 41a Tirmacrannon Road, Loughgall, Armagh BT61 8LW – Contract for Tender for call off framework agreement for provision of Mechanical Services, Reactive and Project works to Council Facilities for period 01.04.2022 – 31/03/2023
16. Lisburn and Castlereagh City Council and Irwin M&E Ltd, Unit 4, Diviny Drive, Portadown, Craigavon BT63 5WE – Contract for Tender for call off framework agreement for provision of Mechanical Services, Reactive and Project works to Council Facilities for period 01/04/2022 – 31/03/2023
17. Lisburn and Castlereagh City Council and LM Services (NI) Ltd, 18 Old Saintfield Road, Belfast BT8 8EY – Contract for Tender for call off framework agreement for provision of Mechanical Services, Reactive and Project works to Council Facilities for period 01/04/2022 – 31/03/2023
18. Lisburn and Castlereagh City Council and Source Air Conditioning & Electrical Services (NI) Ltd, Unit D1, Valley Business Centre, Newtownabbey BT36 7LS – Contract for Tender for call off framework agreement for provision of Mechanical Services, Reactive and Project works to Council Facilities for period 01/04/2022 – 31/03/2023
19. Lisburn and Castlereagh City Council and JF & H Dowds, 2-4 Milltown Road, Ballymoney BT53 6LE - Contract for Tender for call off framework agreement for provision of Mechanical Services, Reactive and Project works to Council Facilities for period 01/04/2022 – 31/03/2023
20. Lisburn and Castlereagh City Council and Hutton M&E Services Ltd, Unit 1, 18W Bank Road, Belfast BT3 9JL - Contract for Tender for call off framework agreement for provision of Mechanical Services, Reactive and Project works to Council Facilities for period 01/04/2022 – 31/03/2023
21. Lisburn and Castlereagh City Council and D A Forgie, 16 Seacoast Road, Limavady, Co Londonderry BT49 9DW – Contract for T2122-066 Supply and Delivery of 2 x Tracked 360 Degree Excavators

8.0 ADOPTION OF MINUTES OF COMMITTEES

- 8.1 **Special Development Committee held on 10 August 2022**
📄 *Sp DC 10 08 2022 Draft Minutes for Adoption.pdf* Page 14
- 8.2 **Planning Committee held on 13 June 2022 (for Noting)**
📄 *PC 13 06 2022 Minute Ratified.pdf* Page 20
- 8.3 **Planning Committee held on 4 July 2022 (for Noting)**
📄 *Planning 040722 Ratified Minute.pdf* Page 35

9.0 REPORT FROM CHIEF EXECUTIVE

- 9.1 **Councillor Simon Lee - Change of Party**
📄 *Item 9.1 - Cllr S Lee - Change of Party.pdf* Page 42
- 9.2 **Delegated Authority for Specified Matters for Approval at the September Meeting of the Environmental Services Committee**
📄 *Item 9.2 Delegated Authority report for ES reports.pdf* Page 45

10.0 REPORTS FROM MEMBERS ON BOARDS

11.0 REPORTS ON DECISIONS SUBJECT TO THE RECONSIDERATION PROCEDURE

(None)

12.0 NOTICES OF MOTION

(None)

13.0 CONFIDENTIAL BUSINESS

- 13.1 **Requirement to enter into a Section 76 Planning Agreement for Planning Applications LA05/2017/1124/F and LA05/2018/0412/F**

Confidential for reason of information in respect of which a claim to legal professional privilege could be maintained in legal proceedings

- 📄 *CONFD - Item for Decision re 2017 1124 F and 2018 0412F - Section 75 (with note for publication re Contract).pdf* Page 48

14.0 ANY OTHER BUSINESS

MAYOR'S ENGAGEMENTS FOR FULL COUNCIL MEETING**Monday 27th June**

Mayor to meet with group of American Tourists at Hillsborough Castle

Mayor to attend Newtownbreda W.I. QPJ Tea Dance, Knockbreda Parish Church Hall

Tuesday 29th June – 2nd July

Mayor to visit the Somme with a delegation of Members and Officers

Tuesday 5th July

Mayor to attend Secretary of State for NI Garden Party, Hillsborough Castle

Monday 11th July

Mayor to attend Ballybeen Improvement Group's Cultural Celebration, Enler Complex

Mayor to attend Seymourhill & Conway Residents Association - Annual Community Festival, Tolerton Sports Zone

Tuesday 19th July

Mayor to visit Band of the Royal Irish Regiment playing in Lisburn

Wednesday 20th July

Mayor to attend International Canoe Polo Championships, Let's Go Hydro

Thursday 21st July

Mayor to host reception for Dundonald W.I. to mark their 75th anniversary, LVI

Friday 22nd July

Mayor to meet with Lurganville & District Community Association for Afternoon Tea & Tour of Castle, Hillsborough

Saturday 23rd July

Mayor to meet with Down Rally representatives and participants, LVI

Tuesday 2nd August

Mayor to attend Celebration of 500th Meeting of Lisburn Chamber of Commerce

Mayor to meet with Richard Hagan to handover Mayoral Plaque to the Thursday Club held in Lillie Court to give to their counterparts in Warrenpoint

Thursday 4th August

Mayor to visit Irish FA Football Camps held by Lisburn Distillery FC for those with Special Needs, LVLP Football Cages

Saturday 6th August

Mayor to visit Honey Fair at Hillsborough Castle

Mayor to visit Stoneyford Community & Youth Association Annual Village Fete

Mayor to visit Anahilt Care home for Picnic in the Park event

Mayor to attend Lisburn Orange Hall QPJ Musical & Social Evening

DEPUTY MAYOR'S ENGAGEMENTS FOR FULL COUNCIL MEETING**Monday 27th June**

Deputy Mayor to visit Pond Park Nursing Home for their Open Day

Sunday 3rd July

Deputy Mayor to attend Cycling Ireland National BMX Championships, Lisburn BMX Club, Aberdelghy

Tuesday 5th July

Deputy Mayor attended Laganview AGM at Laganview Enterprise Centre

Tuesday 26th July

Deputy Mayor to attend 2022-23 Green Flag Awards, Brownlow House

Friday 29th July

Deputy Mayor to attend I AM WOMAN Exhibition, Linenhall Library, Belfast. Also attended by Cllr Legge and Cllr Cole.

Saturday 30th July

Deputy Mayor to attend Irish & Highland Dance Exhibition, Market Square Lisburn

Wednesday 10th August

Deputy Mayor to attend Tree Planting Ceremony for Drumbo Community Association QPJ celebrations

Thursday 11th August

Deputy Mayor to visit Hygiene Bank pop up store, Bow Street Mall

Deputy Mayor to host on behalf of the Mayor reception for visitors from Co Cork in connection with Resurgam Trust.

MM 28.06.2022

4

LISBURN & CASTLEREAGH CITY COUNCIL**Minutes of the Monthly Meeting of Council held in the Council Chamber and Remote Locations on Tuesday 28 June, 2022 at 7:02 pm****PRESENT IN CHAMBER:**Deputy Mayor
Councillor M GuyAldermen J Baird, W J Dillon MBE, D Drysdale,
A G Ewart MBE, S P Porter and J TinsleyCouncillors R T Beckett, F Cole, D J Craig, A P Ewing,
A Givan, M Gregg, J Lavery BEM, S Lee, H Legge,
C McCready, U Mackin, Jenny Palmer, John Palmer,
A Swan and N Trimble**PRESENT IN REMOTE LOCATION:**

Alderman A Grehan, M Henderson MBE and S Martin

Councillors R Carlin, A Gowan, A McIntyre, R McLernon,
T Mitchell, S Mulholland and S Skillen**IN ATTENDANCE IN CHAMBER:**Lisburn & Castlereagh City CouncilChief Executive
Director of Environmental Services
Director of Finance and Corporate Services
Director of Leisure and Community Wellbeing
Director of Service Transformation
Member Services Officer
PCSP/Member Services Administrative Assistant
Technician
IT Officer

In the absence of the Right Worshipful the Mayor, Councillor S Carson, the Deputy Mayor, Councillor M Guy, chaired the meeting.

As the meeting was being livestreamed to enable members of the public who were watching the proceedings of the meeting remotely and as there were also members of the public seated in the Council Chamber's public gallery, the Deputy Mayor, Councillor M Guy, outlined a privacy statement in connection with the livestreaming of the meeting.

The Chief Executive outlined the evacuation procedures in the case of an emergency.

Commencement of the Meeting

At the commencement of the meeting, the Deputy Mayor, Councillor M Guy, welcomed everyone present to the June meeting of Council, including the members of the public seated in the public gallery.

MM 28.06.2022

5

Commencement of the Meeting (Cont'd)

The Deputy Mayor requested that all mobile phones be put on silent or switched off for the duration of the meeting following which the Member Services Administrative Assistant read out the names of the Elected Members and Officers in attendance at the meeting.

The Deputy Mayor pointed out that, in accordance with the Council's Standing Orders, whilst the meeting was being live-streamed, unauthorised recording was not permitted.

Prayers

In the absence of the Mayor's Chaplain, Alderman J Tinsley addressed the Council and said a prayer during which he remembered the family of Catharine McWhirter, Community Planning Manager (Leisure & Community Wellbeing Directorate), whose father, Mr Alexander Burns, had passed away in recent days.

The Deputy Mayor, Councillor M Guy, also expressed condolences, on behalf of the Council, to the family of Catharine McWhirter on their very recent bereavement.

1. Business of The Right Worshipful the Mayor

1.1 Mayor's Engagements

The Council noted a number of engagements attended by The Right Worshipful the Mayor, Councillor S Carson, and the Deputy Mayor, Councillor M Guy, since the Annual Meeting of Council on 7 June 2022.

2. Apologies

It was agreed to accept apologies for non-attendance at the meeting on behalf of The Right Worshipful the Mayor, Councillor S Carson, Alderman O Gawith and Councillors N Anderson, J Gallen, S Hughes, S Lowry and G McCleave.

3. Declarations of Interest

There were no declarations of interest expressed declared at the meeting.

At this point the Deputy Mayor stated that any Member leaving the meeting to advise the Member Services Officer accordingly in order that this is recorded accurately in the minutes.

MM 28.06.2022

6

4. Council Minutes for Adoption

4.1 Council Meeting held on 24 May 2022

It was proposed by Councillor N Trimble, seconded by Councillor A Givan, and agreed that the minutes of the meeting of Council held on 24 May, 2022 be confirmed and signed.

Alderman S P Porter entered the meeting at 7.12 pm.

4.2 Annual Meeting held on 7 June 2022

It was proposed by Councillor S Lee, seconded by Councillor N Trimble, and agreed that the minutes of the Annual meeting of Council held on 7 June, 2022 be confirmed and signed.

4.3 Special Meeting of Council held on 13 June 2022

It was proposed by Councillor M Gregg, seconded by Alderman J Tinsley, and agreed that the minutes of the Special meeting of Council held on 13 June, 2022 be confirmed and signed.

5. Matters Arising

5.1 Council Meeting held on 24 May 2022

There were no matters arising.

5.2 Annual Meeting held on 7 June 2022

Item 6.5 Page 353

Election of Members to Committee Positions (2022/2023) – Development Committee

Alderman J Tinsley, nominating officer for the Council's DUP, advised that the name of Councillor A Gowan had been put forward mistakenly as a Member of the Development Committee instead of the name of Councillor R T Beckett.

It was noted that Councillor R T Beckett was a Member of the Development Committee for the year 2022-2023.

5.3 Special Meeting of Council held on 13 June 2022

There were no matters arising.

6. Deputations

There were no deputations.

MM 28.06.2022

7

7. Business Required by Statute(i) Signing of Legal Documents

It was proposed by Alderman M Henderson, seconded by Councillor A Swan, and agreed that the following legal documents be signed at the meeting:

- Lisburn and Castlereagh City Council and Northern Ireland Local Government Association (NLGA), Department of Health of Castle Buildings, Stormont Estate, Belfast, Co Down – Lease Extension First Floor Bradford Court
- Lisburn and Castlereagh City Council and Ulster Supported Employment Limited, 182-188 Cambrai Street, Belfast BT13 3JH – Letter of Offer to award an annual match funding contribution to USEL – LCCC-ESFMF-03: £30,000
- Lisburn and Castlereagh City Council and Stepping Stones NI, 39 Seymour Street, Lisburn BT27 4SY – Letter of Offer to award an annual match funding contribution to Stepping Stones – LCCC-ESFMF-08: £23,156.67
- Lisburn and Castlereagh City Council and The Princes Trust, Unit 8, Weavers Court, Belfast – Letter of Offer to award an annual match funding contribution to Princes Trust – LCCC-ESFMF-10: £41,274.45
- Lisburn and Castlereagh City Council and Specialisterne NI, Skainos, 239 Newtownards Road, Belfast BT4 1AF – Letter of Offer to award an annual match funding contribution to Specialisterne – LCCC-ESFMF-13: £3,219.87
- Lisburn and Castlereagh City Council and Specialisterne NI, Skainos, 239 Newtownards Road, Belfast BT4 1AF – Letter of Offer to award an annual match funding contribution to Specialisterne – LCCC-ESFMF-14: £2,349.01
- Lisburn and Castlereagh City Council and DGS Service Solutions Ltd, Unit 14, Forty8 North, 48 Duncrue Street, Belfast BT3 9BJ – T21/22-047 Tender for the Provision of Caretaker and Reception Services at Bradford Court

8. Adoption of Minutes of Committees**Environmental Services Committee****1 June, 2022**

Proposed by Councillor A P Ewing

Seconded by Councillor C McCreedy

Development Committee**1 June, 2022**

Proposed by Alderman A Grehan

Seconded by Councillor H Legge

Leisure and Community Development Committee**7 June, 2022**

Proposed by Councillor A McIntyre

Seconded by Councillor A Gowan

MM 28.06.2022

Corporate Services Committee**8 June, 2022**

Proposed by Councillor U Mackin

Seconded by Councillor N Trimble

Minutes adopted subject to the recommendation at item 5.1(c) being referred back to Committee, as follows:

Item 5.1 Page 373Northern Ireland Local Government Association
(including a matter in connection with the Local
Government Staff Commission)

On a proposal by Alderman W J Dillon, and seconded by Councillor Jenny Palmer, it was agreed that the recommendation at item 5.1 (c) in relation to the Council's contribution of £31,359 (excluding VAT) for the year 2022-2023 to the Local Government Staff Commission to be processed for payment be referred back to the Committee for further consideration. The Vice Chairman of the Corporate Services Committee, Councillor U Mackin, in the absence of the Chairman, Councillor S Hughes, indicated his agreement to this matter being referred back.

Governance & Audit Committee**9 June 2022**

Proposed by Alderman D Drysdale

Seconded by Councillor Jenny Palmer

Capital Projects Committee**22 June 2022**

Proposed by Councillor S Lee

Seconded by Alderman J Baird

It was noted that as the above meeting had taken place on 22 June 2022, the minutes were still subject to the call-in process until 10.00 am the following day, 29 June 2022.

Special Governance & Audit Committee**23 June 2022**

Proposed by Alderman D Drysdale

Seconded by Councillor Jenny Palmer

It was noted that as the above meeting had taken place on 23 June 2022, the minutes were still subject to the call-in process until 10.00 am on Thursday, 30 June 2022.

It was also noted that the Special meeting of the Governance & Audit Committee had been convened less than five clear days prior to the meeting of Council. In this regard the Deputy Mayor, Councillor M Guy, referred to Standing Order 14.1 that stated "*Minutes of meetings of a Committee held less than five clear days before the meeting of the Council shall not be submitted to that meeting for approval. This may be dis-applied where a Committee considers the matter to be of extreme urgency and records such in its minutes*". Accordingly the Deputy Mayor advised that on this occasion the Special Meeting of the Governance & Audit Committee, had been convened in order to consider and approve the Statement of Accounts for the year ending 31 March 2022 and which were required to be submitted to the Northern Ireland Audit Office by 30 June 2022.

MM 28.06.2022

9

Special Governance & Audit Committee
(Cont'd)**23 June 2022**

In order that the draft minutes be ratified at the meeting that evening, it was proposed by Alderman D Drysdale, seconded by Councillor Jenny Palmer, and agreed that the appropriate Standing Order be suspended for this purpose.

Planning Committee**9 May, 2022**

The minutes of the Planning Committee meeting of 9 May, 2022 had been circulated for noting only as these minutes had been agreed at the subsequent meeting of the Planning Committee on 13 June, 2022. It was proposed by Councillor A Swan, seconded by Alderman J Tinsley, and agreed that their contents be noted.

9. Report from Chief Executive9.1 Street Naming – Off Rathfriland Road, Dromara

The Chief Executive reported that Best West Housing Limited had proposed the street names (first and second preferences), as set out in his report, for a development of 8 dwellings situated off the Rathfriland Road, Dromara.

Members were provided with copy of the development layout and were advised that the request met the requirements of the Council's Street Naming Policy in that the names proposed were in keeping with the historic use of the site as a former police station from 1920 until its demolition in the early 2000s.

Building Control Service having received no objections to the proposed names from Elected Members of the relevant District Electoral Area, nor the Royal Mail Address Management Team, it was proposed by Councillor M Gregg, seconded by Councillor A P Ewing, and agreed that the name Station Court be approved for this development of 8 dwellings off the Rathfriland Road, Dromara.

10. Reports from Members on Boards

There were no reports from Members on Boards.

11. Reports on Decisions Subject to the Reconsideration Procedure

The Chief Executive advised that there was a confidential report in connection with a decision subject to the reconsideration procedure and which would be considered later in the meeting under confidential business (item 13.1 refers).

MM 28.06.2022

10

12. Notice of Motion

12.1 Sustainability Officer

A copy of the following Notice of Motion in the name of Councillor S Lee had been circulated to Members with the notice convening the meeting:

“This Council is committed to become increasingly more sustainable in line with our duties under the Climate Change Act (Northern Ireland) 2022 and is therefore resolved to formalise within one document a roadmap setting out the Council’s ambition. This Council also acknowledges that keeping on track to deliver on our sustainability ambitions and duties requires resource. We therefore believe that a dedicated sustainability officer will be required and resolves to begin exploring what such a role would look like. We request that a paper be prepared for the relevant committee(s) with options for a sustainability officer position as soon as practicable.”

The Notice of Motion was proposed by Councillor S Lee and seconded by Councillor R Carlin.

Councillor S Lee elaborated on his notice of Motion, and highlighted a number of issues which he hoped would be explored at Committee in due course, namely;

- a sustainability roadmap is important in achieving tangible measureable progress and will set out clearly what we want to achieve
- Ards and North Down Borough Council produced such a sustainability roadmap recently which is accessible on their website and which may be useful for reference purposes
- a dedicated sustainability officer would take the leading role to report on progress
- at this stage we are looking at potential options for a sustainability officer and the associated cost of each option
- this Council is lagging behind other Councils in demonstrating a commitment to explore options for a sustainability officer and we are the only Council in Northern Ireland that does not have such a role.

In concluding Councillor Lee assured the Council that this stage was about exploring options in order to make an informed choice.

Councillor R Carlin, having seconded the Notice of Motion, thanked Councillor S Lee for bringing his Motion before the Council encouraged Members to support Councillor Lee’s Notice of Motion.

The Deputy Mayor invited other Members to speak to the Notice of Motion.

Alderman J Tinsley having spoken in support of the principles outlined in the Notice of Motion, proposed an amendment that the words “will be” in the penultimate sentence be changed to read “may be,” the amended sentence to read:

“We therefore believe that a dedicated sustainability officer may be required and resolves to begin exploring what such a role would look like.”

MM 28.06.2022

11

12.1 Sustainability Officer (Cont'd)

Councillor S Lee agreed to accept Alderman Tinsley's amendment to his Notice of Motion.

A number of Members, on behalf of their respective political parties, spoke in support of the principles of the Notice of Motion, namely; Aldermen D Drysdale and S P Porter and Councillors M Gregg and N Trimble.

The Notice of Motion, as amended, was put to the meeting and agreed unanimously, namely:

“This Council is committed to become increasingly more sustainable in line with our duties under the Climate Change Act (Northern Ireland) 2022 and is therefore resolved to formalise within one document a roadmap setting out the Council's ambition. This Council also acknowledges that keeping on track to deliver on our sustainability ambitions and duties requires resource. We therefore believe that a dedicated sustainability officer may be required and resolves to begin exploring what such a role would look like. We request that a paper be prepared for the relevant committee(s) with options for a sustainability officer position as soon as practicable.”

13. Confidential Business

The Deputy Mayor, Councillor M Guy, advised that two items were required to be considered “In Committee” as follows:

13.1 Governance & Audit Committee – Update: confidential due to containing information a) relating to the financial or business affairs of any particular person (including the Council holding that information), and b) in relation to which a claim to legal professional privilege could be maintained in legal proceedings.

13.2 Tender for the Provision of Agency Workers: confidential due to containing information relating to the financial or business affairs of any particular person (including the Council holding that information),

“In Committee”

It was proposed by Councillor F Cole, seconded by Councillor A P Ewing, and agreed that the following items be considered “in committee”, in the absence of members of the press and public being present. The live stream of the meeting was paused (7.40 pm).

13.1 Governance & Audit Committee - Update

It was proposed by Councillor John Palmer, seconded by Alderman J Baird, and agreed that the recommendations as set out in item 3.1 of the minutes of the Governance & Audit Committee meeting of 10 March 2022 be ratified thereon, as outlined in an appended document to the Chief Executive's report.

MM 28.06.2022

12

13.2 Tender for the Provision of Agency Workers

It was proposed by Councillor J Lavery, seconded by Councillor H Legge, and agreed that the Chief Executive's recommendations in relation to the tender for the provision of agency workers, as outlined, be approved.

Any Other Confidential Business

13.3 Electricity Contracts

The Chief Executive responded to questions from two Members in connection with the Council's current contracts for the provision of electricity.

Resumption of Normal Business

It was proposed by Councillor C McCready, seconded by Councillor A P Ewing, and agreed to come out of committee and normal business was resumed. The live stream of the meeting was recommenced at this stage (7.45 pm).

14. Any Other Business

14.1 Requests for Provision of Portaloos Councillor S Skillen

Councillor S Skillen requested that the Council provide portaloos at the undernoted community events:

- a) Newtownbreda Baptist Church - community event taking place from 4-8 July 2022, and
- b) Moneyreagh & District Community Association's fun day on 11 July 2022.

The Chief Executive undertook to forward Councillor Skillen's requests for provision of portaloos at the aforementioned community events to the Head of Service (Parks & Amenities).

14.2 Condition of the Former Derriaghy Primary School Site Councillor D J Craig

Comments were noted from Councillor D J Craig who reported having been contacted by local residents in connection with the condition of the site of the former Derriaghy Primary School. Councillor Craig sought reassurance that the state of the grass at this site would be attended to.

The Chief Executive by way of an update advised that the Head of Service (Parks and Amenities) had confirmed earlier that day that this matter was in hand.

Conclusion of the Meeting

At the conclusion of the meeting the Deputy Mayor, Councillor M Guy, thanked those present for their attendance.

There being no further business for consideration, the meeting was terminated at 7.46 pm.

Mayor

LISBURN & CASTLEREAGH CITY COUNCIL**Minutes of the proceedings of the Special Meeting of the Development Committee of Lisburn & Castlereagh City Council held in the Civic Centre, Lisburn, BT27 4RL on Wednesday, 10 August 2022 at 6.00 pm****PRESENT IN THE CHAMBER:**

Alderman A G Ewart MBE (Chairman)

Alderman A Grehan (Vice Chairperson)

Aldermen W J Dillon MBE

Councillors R T Beckett, U Mackin, S Mulholland and a Swan

PRESENT IN A REMOTE LOCATION:

Deputy Mayor, Councillor M Guy

Councillors F Cole, a Givan, G McCleave and G McCready

OTHER MEMBERS IN CHAMBER:

Aldermen O Gawith and S Martin, Councillors N Anderson and A P Ewing,

OTHER MEMBERS IN REMOTE LOCATION

Aldermen S P Porter and J Tinsley, Councillors A Gowan, M Gregg, J Lavery, A McIntyre, Jenny Palmer, John Palmer and Hon N Trimble

IN ATTENDANCE:Lisburn & Castlereagh City Council

Director of Service Transformation (Council Chamber)

Head of Economic Development (Council Chamber)

Head of Planning & Capital Development (Remote)

Head of Assets (Council Chamber)

Portfolio Manager (Council Chamber)

Tourism Manager (Remote Location)

Member Services Officers (BS and RN)

IT Officer

Technician

Commencement of Meeting

The Chairman, Alderman A G Ewart, having welcomed everyone to the Special Meeting of the Development Committee to which all Members of Council had been invited, made reference to this being the first meeting of the new Committee following the Annual Meeting of Council.

Commencement of Meeting (Cont'd)

The Chairman advised that the meeting was being live streamed to enable members of the public to hear and see the proceedings and extended a welcome to those watching on the livestream.

At this point, Member Services Officer read out the names of the Elected Members in attendance at the meeting.

The Chairperson asked that any Member entering or leaving the meeting to advise the Member Services accordingly so that this might be accurately reflected in the minutes.

Councillor J Lavery joined the meeting at 6.08 pm.

The Chairperson stated that, whilst the meeting was being live streamed, unauthorised recording was not permitted, as per the Council's Standing Orders. The Chairperson also reminded everyone to ensure mobile phones were turned off or on silent mode for the duration of the meeting and proceeded to outline the evacuation procedures in the case of an emergency.

1. Apologies

It was agreed to record apologies for non-attendance at the meeting on behalf of The Right Worshipful the Mayor, Councillor S Carson; Alderman D Drysdale and Councillors J Gallen and H Legge.

2. Declarations of Interest

There were no declarations of interest declared at the meeting.

3. Report by the Head of Economic Development

3.1 Assessment of Applications to Rural Business Development Grant Scheme funded By DAERA under the Tackling Rural Poverty and Social Isolation Programme (TRPSI)

The Head of Economic Development's report outlined the background and key issues in connection with the Tackling Rural Poverty and Social Isolation (TRPSI) Programme which had been delivered by the Council for three consecutive years by the Programmes Team in Economic Development. The first three programmes had enabled 78 local businesses to drawdown a total of £217,500 in financial assistance to the LCCC area.

The Head of Economic Development reported that In March 2022, the Council had agreed to deliver a fourth call for applications under the Rural Business Development Grant Scheme across rural Lisburn and Castlereagh and rural Belfast. The scheme had opened for applications on the 1st May 2022 and closed on the 31st May 2022. A total of 35 applications had been received requesting £112,205 in financial assistance.

3.1 Assessment of Applications to Rural Business Development Grant Scheme funded by DAERA under the Tackling Rural Poverty and Social Isolation Programme (TRPSI) (Cont'd)

It was proposed by Alderman W J Dillon, seconded by Councilor U Mackin, and agreed to recommend that:

- a) in view of the deadline for the completion of the Letters of Offer of 9 September 2022 applications be assessed and agreed by an appointed assessment panel of Officers,
- b) Officers agree the recommended grant allocation with DAERA,
- c) the agreed grant allocations be presented to the Development Committee for noting, and
- d) any future rounds of funding received under the Tackling Rural Poverty and Social Isolation programme (TRPSI) that are offered to Lisburn & Castlereagh City Council be accepted and processed as outlined above, and reported subsequently to the Committee for noting.

4. Confidential Report by the Director of Service Transformation

The Chairman, Alderman A G Ewart, advised that the reason for confidentiality in respect of the items contained in the Director's Confidential Report was due to information relating to the financial or business affairs of any particular person organisation (including the Council holding that information).

It was proposed by Councillor U Mackin, seconded by the Vice Chairperson, Alderman A Grehan, and agreed that the Confidential Business be considered "in Committee" in the absence of press or members of the public.

At this juncture the livestream was stopped for the purpose of consideration of the confidential business at 6.12 pm.

"In Committee"

4.1 Friends Meeting House Sale Update
(Redacted Report to be published following Ratification of Minute in August 2022)

The Director of Service Transformation presented this item of business, assisted by the Head of Assets.

The Director's report outlined the background and key issues in connection with an update on the sale of Friends Meeting House.

Councillor F Cole joined the meeting during consideration of this item of business (6.20 pm).

4.1 Friends Meeting House Sale Update (Cont'd)

An error in the Deed of Transfer relating to the formation of Lisburn and Castlereagh City Council was noted, following which it was agreed that this would be corrected in the final Deed.

It was proposed by Alderman W J Dillon, seconded by Councillor A Swan, and agreed that the recommendations of the Director of Service Transformation in relation to the sale of Friends Meeting House, as outlined in the report circulated, be agreed.

4.2 IT Strategy Refresh Tender (Report to be published in December 2022)

The Director of Service Transformation presented this item of business, assisted by the Portfolio Manager.

The Director's report outlined the background and key issues in connection with the progress of the IT strategy refresh tender.

The Head of Planning & Capital Development joined the meeting during consideration of this item of business (6.30 pm).

Having sought assurances from Officers in respect of the contract on offer, Members were content to award the recommended tender which was the most economically advantageous tender (MEAT).

It was proposed by the Vice Chairperson, Alderman A Grehan, seconded by Councillor A Swan, and agreed that the recommendations of the Director of Service Transformation, in relation to the award of the IT Strategy Refresh tender and the proposed commercial model, as outlined in the report circulated, be approved.

4.3 The NI Business Start Up Programme (NIBSUP) also known as GoForIt Delivery post March 2023 (Report to be published following sign & sealing/extension of legal contract/agreement of service with supplier)

This item of business was presented by the Director of Service Transformation, assisted by the Head of Economic Development.

The Director's report outlined the background and key issues in connection with the NI Business Start Up Programme (NIBSUP) also known as the GoForIt Programme.

It was proposed by Alderman W J Dillon, seconded by Councillor A Givan, and agreed to recommend that:

- a) officers continue to seek to identify new funding streams to replace the ERDF funding and Invest NI funding, and to identify the best way forward for the new programme,

4.3 The NI Business Start Up Programme (NIBSUP) also known as GoForIt Delivery post March 2023 (Cont'd)

- b) the Council funds a one-year extension to the current GFI programme contract for the period 2023-24,
- c) the Council continues its role as lead Council in the delivery of the contract for one further year, 2023-24, and
- d) should funding not become available, the range of alternative programme closures be brought to the Committee for consideration.

The Portfolio Manager left the meeting at the end of this item of business (6.52 pm).

Confidential Item for Noting

4.4 Hillsborough Forest Sculpture Trail – Update (Report never to be published)

This item of business was presented by the Director of Service Transformation.

The Director's report outlined the background and key issues in connection with the progress of and proposed next steps for the Hillsborough Forest Sculpture Trail.

A number of related documents had been appended to the Director's report.

Councillor U Mackin left the meeting at 7.10 pm.

It was agreed that the Director's update report in relation to the Hillsborough Forest Sculpture Trail, including the proposed next steps, be noted.

Other Confidential Matter

4.5 City Watch CCTV (formally known as Lisburn Commerce Against Crime)

The Director of Service Transformation outlined a matter in relation to Citywatch CCTV.

Councillor A P Ewing and the Head of Assets left the meeting during this item of business (7.15 pm and 7.18 pm respectively).

It was agreed that a report on the matter in question be prepared and presented to the Development Committee at its meeting on 1 September 2022, with the Committee's recommendation coming before the Council for ratification at its meeting on 27 September 2022.

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19

Resumption of Normal Business

It was proposed by Councillor A Swan, seconded by Alderman W J Dillon, and agreed to come out of Committee and normal business was resumed. The livestream was re-commenced at 7.20 pm.

5. Any Other Business

5.1 Air Conditioning in Council Chamber Councillor N Anderson

Comments were noted by Councillor N Anderson in relation to the failure of the air conditioning unit in the Chamber during the meeting. The Director of Service Transformation undertook to follow up on this matter.

The Chairman, Alderman A G Ewart, thanked Members for their attendance and there being no other business the meeting was terminated at 7.21 pm.

Chairperson

LISBURN & CASTLEREAGH CITY COUNCIL**Minutes of Meeting of the Planning Committee held remotely and in the Council Chamber, Island Civic Centre, The Island, Lisburn on Monday 13th June 2022 at 10.00 am.****PRESENT:**

Present in Chamber

Alderman J Tinsley (Chairman)

Councillor John Palmer (Vice-Chairman)

Aldermen W J Dillon MBE, D Drysdale and O Gawith

Councillors J Craig, M Gregg, J McCarthy, U Mackin and A Swan

Present on a Remote Basis

Alderman A Grehan

IN ATTENDANCE:

Present in Chamber

Director of Service Transformation
Head of Planning and Capital Development
Principal Planning Officer (RH)
Senior Planning Officer (MB)
Senior Planning Officer (RT)
Member Services Officers (RN & EW)

Mr B Martyn (Cleaver Fulton Rankin) - Legal Adviser

Present on a Remote Basis

Ms L Agnew (Cleaver Fulton Rankin) - Legal Adviser

Commencement of Meeting

The Chairman, Alderman J Tinsley, welcomed everyone to the meeting which was being live streamed to enable members of the public to hear and see the proceedings.

The Chairman stated that Planning Officers were present in the Chamber and that those persons speaking for or against the applications had the option of attending in person or on a remote basis.

The Member Services Officer then read out the names of the Elected Members and Officers in attendance at the meeting.

The Head of Planning and Capital Development advised on housekeeping and evacuation procedures.

1. Apologies

There were no apologies for non-attendance at the meeting.

2. Declarations of Interest

The Chairman sought Declarations of Interest from Members and reminded them to complete the supporting forms which had been left at each desk. He indicated that a form would also be available for remote attendance.

The following declarations were made:-

- Councillor A Swan referred to LA05/2021/0944/f and advised of a family connection and that he had lobbied on behalf of the applicant. Councillor Swan advised of his intention to leave the meeting during discussion.
- Alderman J Tinsley referred to LA05/2021/0944/F and advised that he had spoken with the agent and had received some background information. Alderman Tinsley had advised that he was a member of the Planning Committee and stated that he remained open-minded on the application.
- LA05/2021/1093/F – The Chairman, Alderman J Tinsley, advised that – by virtue of being Members of the Council - Members of the Planning Committee had an interest in this planning application. The Chairman stated that the dispensation under Paragraph 6.6 of the Code of Conduct applied and therefore Members might speak and vote on this application. The Chairman further advised that, as all Members had the same interest in this case, it was not considered necessary for each Member to individually declare their interest.

3. Minutes of Meeting of the Planning Committee held on 9th May 2022

It was agreed that the minutes of the Meeting of Committee held on the 9th May 2022 as circulated be signed.

4. Report from the Head of Planning and Capital Development

4.1 Schedule of Applications

4.1.1 Application Withdrawn

The Head of Planning and Capital Development advised that - at the request of the applicant - the following application was being withdrawn from the Schedule under consideration:-

LA05/2017/0021/F – Demolition of existing buildings and erection of a Care Home Class 3 (B) of the Schedule of the Planning (Use Class) Order (NI) 2015, comprising 86 bedrooms, day rooms, kitchens, offices, stores and ancillary accommodation (on three floors of accommodation), modification of an existing access to Saintfield Road and provision of car parking (in the basement), visitor parking and servicing at 531 Saintfield Road, Belfast, BT8 8ES

The Head of Planning and Capital Development advised that a representation on behalf of objectors had been received late the previous day and it required formal consideration, including that of a statutory consultee. Members expressed concern at the late submission of such information and questioned if the Committee's determination of this application should not proceed as listed.

It was proposed by Councillor A Swan, seconded by Alderman W J Dillon and agreed that the meeting go "into Committee" in order to seek advice from the Council's legal advisor. The live-stream was paused at this stage in proceedings. The Head of Planning and Capital Development and those persons seated in the public gallery left the meeting. (10.13 am)

Ms L Agnew (Legal Advisor), joined the meeting remotely and advised that her colleague, Mr B Martyn, was journeying to the meeting.

Mr B Martyn (Legal Advisor) entered the Chamber at 10.15 am.

The Director of Service provided further clarity on the late information and explained that time was required for it to be considered. The legal advisor also provided advice in this regard.

Councillor J McCarthy entered the Chamber during the confidential discussion of this item of business. (10.20 am)

It was proposed by Councillor A Swan, seconded by Councillor J Craig and agreed to come "out of Committee". Normal business and the live-stream were resumed.

The Head of Planning and Capital Development and those persons who had been seated in the Public Gallery returned to the Chamber. (10.31 am)

LA05/2017/0021/F – Demolition of existing buildings and erection of a Care Home Class 3 (B) of the Schedule of the Planning (Use Class) Order (NI) 2015, comprising 86 bedrooms, day rooms, kitchens, offices, stores and ancillary accommodation (on three floors of accommodation), modification of an existing access to Saintfield Road and provision of car parking (in the basement), visitor parking and servicing at 531 Saintfield Road, Belfast, BT8 8ES (Continued)

The Chairman, Alderman J Tinsley, reported that planning application LA05/2017/0021/F was being withdrawn from the schedule under consideration in order to allow for consideration of a late representation, and that it was hoped the application could be included in the Schedule for the meeting of Committee on the 4th July 2022.

The officers noted Members' comments that a procedure should be in place whereby submissions after a certain date and time would not be accepted.

At this stage in the meeting, the Chairman reminded Members that they needed to be present for the entire determination of an application. If absent for any part of the discussion they would render themselves unable to vote on the application.

The Legal Adviser (Mr B Martyn) highlighted paragraphs 43 - 46 of the Protocol for the Operation of the Lisburn & Castlereagh City Council Planning Committee which, he advised, needed to be borne in mind when determinations were being made.

4.1.2 Applications to be Determined

- (i) LA05/2017/0021/F – Demolition of existing buildings and erection of a Care Home Class 3 (B) of the Schedule of the Planning (Use Class) Order (NI) 2015, comprising 86 bedrooms, day rooms, kitchens, offices, stores and ancillary accommodation (on three floors of accommodation), modification of an existing access to Saintfield Road and provision of car parking (in the basement), visitor parking and servicing at 531 Saintfield Road, Belfast, BT8 8ES

Dealt with under "Applications Withdrawn".

- (ii) LA05/2021/1093/F – New metal clad shed (7.5 x 9.0 metres) for indoor golf studio on unused grass area at Castlereagh Hills Golf Course, 73 Upper Braniel Road, Gilnahirk, Belfast, BT5 7TX

The Senior Planning Officer (MB) presented this application as outlined within the circulated report.

Speakers

No requests received.

- (ii) LA05/2021/1093/F – New metal clad shed (7.5 x 9.0 metres) for indoor golf studio on unused grass area at Castlereagh Hills Golf Course, 73 Upper Braniel Road, Gilnahirk, Belfast, BT5 7TX (Continued)

Questions to Planners

A question and answer session with the Planning Officers proceeded. The following issue arose:-

- Alderman O Gawith asked if noise could be an issue with this facility. The Senior Planning Officer stated that this would not be the case as activity associated with the proposed structure was confined to indoors.

Debate

During debate, the following comments were made:-

- Alderman D Drysdale stated that the proposed facility was likely to attract more patrons and would enhance the facilities available at the Golf Course.

Vote

Having considered the information provided within the report of the Planning Officer, the Committee agreed by a unanimous vote to approve the application as outlined in the report.

- (iii) LA05/2018/0862/F – Proposed infill site for 2 dwellings with detached garages between 26 & 30 Magheraconluce Road, Hillsborough

Councillor M Gregg left the meeting when this application was being considered.

The Principal Planning Officer (RH) presented this application as outlined and drew Members' attention to the following:-

- A revised report had been provided to the Committee on the 10th June 2022 and also at the meeting. In addition to a few typographical corrections, the revised report included reference to a Judicial Review case at Glasdrumman Road, Ballynahinch which could have some relevance to the application being considered.

Speakers

No requests received.

Questions to Planners

A question and answer session with the Planning Officers proceeded. The following issues arose:-

- Councillor J Craig sought clarification as to why the application had been presented to Committee. The Head of Planning and Capital Development stated that this was due to an application having been previously called-in and decided by the Committee. The same process of decision making is followed for the purpose of consistency.

(iii) LA05/2018/0862/F – Proposed infill site for 2 dwellings with detached garages between 26 & 30 Magheraconluce Road, Hillsborough (Continued)

- Councillor A Swan enquired about the frontage of the gap. The Head of Planning and Capital Development explained how such gaps are assessed with reference to the supporting documentation in the presentation.

Debate

During debate, the following comments were made:-

- Alderman W J Dillon stated that as the application complied with relevant policies, he would be supporting the recommendation.

Vote

Having considered the information provided within the report of the Planning Officer, the Committee agreed by a unanimous vote to approve the application as outlined in the report.

Adjournment of Meeting

The Chairman declared the meeting adjourned at 11.08 am.

Resumption of Business

The Chairman declared the meeting resumed at 11.15 am.

(iv) LA05/2018/1030/F – Demolition of existing buildings and erection of service station, associated forecourt and parking at 99 Moneyreagh Road, Moneyreagh

The Senior Planning Officer (RT) presented the application as outlined within the circulated report and drew Members' attention to the following:-

- A site meeting for the application had taken place on the 27th May 2022.
- Further to preparation of the report as circulated, a further representation of support had been received.

Mr Philip Campbell

The Committee received Mr Philip Campbell (via Zoom) who wished to speak in objection to the application and who had provided the Committee with a written submission in advance of the meeting. In addition to his written submission, Mr Campbell outlined the facilities offered by his retail business in Moneyreagh and stated that he fully concurred with the recommendation to refuse the application.

Questions to Mr Campbell

Mr Campbell responded to Members' questions as follows:-

(iv) LA05/2018/1030/F – Demolition of existing buildings and erection of service station, associated forecourt and parking at 99 Moneyreagh Road, Moneyreagh (Continued)

- Alderman D Drysdale sought information about Mr Campbell's retail outlet. Mr Campbell confirmed that his convenience shop which incorporated post office facilities was located in the centre of Moneyreagh, and that it enjoyed custom from the surrounding housing developments and also passing trade.

Mr Brendan Starkey (O'Toole & Starkey Planning Consultants)

The Committee received Mr Brendan Starkey from O'Toole and Starkey Planning Consultants. Mr Starkey was accompanied by Suneil Sharma (owner of site location), Karen McShane (Kevin McShane Ltd Civil Engineering) and Michael Monteith (Henderson Group). Mr Starkey wished to speak in support of the application and had provided the Committee with a written submission in advance of the meeting. Mr Starkey made his presentation.

Questions to Mr Starkey

The presenters responded to Members' questions as follows:-

- Councillor J Craig sought clarification as to how the application met road safety requirements. Ms McShane cited the road safety measures which were being proposed and emphasized that such measures were a great improvement on the existing layout. She also cited the "Design Manual for Roads & Bridges" which is a guidance document as opposed to a policy one. A taper turning right into the Hillsborough Road is sharper than it should be due to an existing building. There is also however an issue of limited visibility for drivers approaching a hill north of the site should there be an obstruction on the road.
- Alderman W J Dillon referred to the dangers associated with the road junction. Ms McShane referred to the staggered distance with Hillsborough Road and to the fact that policies had been met. Separation with housing on the Belfast side of the junction had been achieved by the provision of a right turn. As there exists a possibility to re-use the site as a shop only, it is imperative that the junction be made safe.
- Alderman D Drysdale referred to the scenario of traffic emerging from the Comber Road, turning right and then immediately left into the site. Ms McShane advised that the stagger distance was improved within the proposal. Alderman Drysdale considered the improvement to still be too tight.
- Councillor U Mackin enquired about the existing volume of traffic on the site compared to that projected. Ms McShane stated that a transport assessment had been carried out when a car sales facility had been at the location. There would be periods of the day when volume of traffic would be intensified.

- (iv) LA05/2018/1030/F – Demolition of existing buildings and erection of service station, associated forecourt and parking at 99 Moneyreagh Road, Moneyreagh (Continued)

Councillor T Mitchell

The Committee received Councillor T Mitchell (via Zoom) who wished to speak in support of the application and had provided the Committee with a written submission in advance of the meeting. Councillor Mitchell made his presentation.

Questions to Councillor Mitchell

Councillor Mitchell responded to Members' questions as follows:-

- Alderman D Drysdale asked if the shop in the centre of Moneyreagh would be detrimentally affected by the proposed facility. Councillor Mitchell did not envisage any detriment to the existing shop.
- Alderman W J Dillon referred to existing problems of road safety at the junction including issues of tail-back traffic wishing to turn right into both Comber Road and Hillsborough Road. Alderman Dillon asked how Councillor Mitchell would envisage this being resolved. Councillor Mitchell considered that the right-turn pockets should address these issues.

Councillor S Lowry

The Committee received Councillor S Lowry (via Zoom) who wished to speak in support of the application and had provided the Committee with a written submission in advance of the meeting. The submission had been received late on the 10th June 2022 and the Chairman had agreed that it could be considered and that Councillor Lowry could be received. Councillor Lowry made her presentation.

Questions to Councillor Lowry

Councillor Lowry responded to Members' questions as follows:-

- Alderman D Drysdale referred to the scenario of traffic emerging from the Comber Road, turning right and then immediately left into the site. Councillor Lowry considered that the proposed right hand turn pockets would improve traffic flow and address road safety issues.
- Alderman O Gawith asked about the impact of the proposed development on the existing shop in Moneyreagh. Councillor Lowry stated that Moneyreagh was an expanding settlement and there would be business for both facilities.

Questions to Planners

Mr Stephen Cash from DfI Roads Service was available via Zoom.

A question and answer session with the Planning Officers proceeded. The following issues arose:-

(iv) LA05/2018/1030/F – Demolition of existing buildings and erection of service station, associated forecourt and parking at 99 Moneyreagh Road, Moneyreagh (Continued)

- The Chairman, Alderman J Tinsley, enquired from Mr Cash if Roads Service remained of the opinion that – from a roads’ perspective - this application still could not be supported. Mr Cash affirmed that Roads Service remained of the opinion that this application could not be supported.
- Councillor J Craig sought Mr Cash’s opinion on the scenario of emerging from the Comber Road, turning right and immediately left into the site. Mr Cash advised that there remained the dangers posed by traffic travelling at speed from the Belfast direction.
- Alderman O Gawith referred to the definition of the site as a “Brown Field Site”. The Head of Planning and Capital Development stated that the site was previously developed and a “Brown Field Site”. He went on to clarify the current uses including a vacant shop unit. He indicated however that neither the car sales operation nor the petrol filling station of some years previous could be weighted in the assessment as there was no planning history for the car sales and the petrol pumps were not there. He further clarified that Moneyreagh Road is a protected route – not a trunk road – and there is no policy for petrol filling stations on a protected route. The sale of petrol is the principal use and the main factor to be considered in the application.
- Councillor J McCarthy referred to the application of Policy ICI5. The Head of Planning and Capital Development advised that this policy may be acceptable but only on a trunk road and where there is a clear indication of need.
- Councillor U Mackin enquired as to how the turning lane dimensions associated with a proposal at Saintfield Road, Lisburn had been different to those for the proposal under consideration and asked why consistency was not applied. Mr Cash advised that he could only speak today in regard to the application under consideration.
- Councillor U Mackin enquired about sewerage conditions associated with the application. The Senior Planning Officer (RT) advised that NI Water had been content with the sewerage proposals. Additional factors would be the subject of an application. Conditions regarding sewerage provision could be attached to the Decision Notice if Members were in fact minded to approve the application.
- Alderman D Drysdale asked Mr Cash if he considered that the proposals for traffic emerging from the Comber Road, turning right and immediately left into the site were acceptable. Mr Cash outlined a number of issues affecting this, ie design, speed of road.

(iv) LA05/2018/1030/F – Demolition of existing buildings and erection of service station, associated forecourt and parking at 99 Moneyreagh Road, Moneyreagh (Continued)

- Alderman D Drysdale sought clarification about the issue of Moneyreagh Road being a protected route. The Head of Planning and Capital Development cited AMP Policies 2 and 3 (Access, Movement & Parking) and stated that the proposal was contrary to the requirements of both and setting out why the specific criteria to both policies were not met.

Debate

During debate, the following comments were made:-

- Councillor A Swan stated that he would be supporting the recommendation.
- Alderman W J Dillon stated that - given that the proposal did not bear any relationship to what was currently in place and taking into account road safety shortcomings, he agreed with the recommendation.
- Councillor J Craig stated that – given that Roads Service could not support the application and also the longstanding road safety concerns at this junction, he would be supporting the recommendation.
- Alderman D Drysdale stated that whilst the facility would be a welcome addition to the area, the road safety concerns were high and that he would be supporting the recommendation.
- Alderman O Gawith stated that he would be supporting the recommendation.
- Councillor John Palmer stated that – based on the current plans – he would be supporting the recommendation.
- Councillor U Mackin stated that he did not agree with Refusal Reasons 1-7 but that he did agree with Refusal Reasons 8-10. He would be supporting the recommendation.

Vote

Having considered the information provided within the report of the Planning Officer, the Committee agreed by a unanimous vote to refuse the application as outlined in the report.

Adjournment of Meeting

The Chairman declared the meeting adjourned at 12.58 pm.

Resumption of Business

The Chairman declared the meeting resumed at 1.42 pm. All attendees, apart from the Director of Service Transformation, returned to the meeting (both in the Chamber and remotely).

- (v) LA05/2021/0944/F – Dwelling under Policy CTY 6 on land 35 metres south east of 252 Hillhall Road, Lisburn

Councillor A Swan left the meeting as he had earlier declared an interest in this item of business. (1.43 pm)

The Senior Planning Officer (RT) commenced her presentation of the application.

Due to technical difficulties being experienced by the sole speaker for the above application who wished to join the meeting remotely, proceedings were paused at 1.45 pm to endeavour to have such difficulties resolved.

The Chairman stated that the remainder of the business on the agenda would be considered at this point in the meeting so as to allow for the technical difficulties to be resolved and for the speaker to gain access to the proceedings.
(1.48 pm)

4.2 Statutory Performance Indicators – April 2022

It was agreed that the Statutory Performance Indicators for April 2022, together with the explanatory narrative in this regard, be noted.

The Head of Planning and Capital Development stated that staffing levels were constantly under review to ensure a full complement of staff in the unit.

Alderman A Swan returned to the Chamber during presentation of the above item.
(1.50 pm)

- 4.3 Appeal Decision in respect of Planning Application LA05/2018/0307/F – Replacement dwelling with retention and conversion of existing stone built vernacular building (former dwelling) to stables/outbuildings 130m north of 47 Ballymullan Road, Lisburn

It was agreed that the decision of the Planning Appeals Decision in respect of the Planning Appeal for the above planning application be noted.

- 4.4 Appeal Decision in respect of Planning Application LA05/2019/0347/RM – 2 no. additional dwellings, comprising 1 no. two-and-a-half storey detached and 1 no. two storey, three bed detached dwelling at 1 Bells Lane, Lambeg, Lisburn

It was agreed that the decision of the Planning Appeals Decision in respect of the Planning Appeal for the above planning application be noted.

- 4.5 Appeal Decision in respect of Planning Application LA05/2019/0640/F – 5 no. residential dwellings (4 no. semi-detached and 1 no. detached), garages, landscaping and all other associated site works on lands opposite and north west of Nos. 10-20 Old Church Heights, Milltown, Lisburn

It was agreed that the decision of the Planning Appeals Decision in respect of the Planning Appeal for the above planning application be noted.

- 4.6 Submission of Pre-Application Notice (PAN) for the construction of one general industrial unit (Class B3) and one general industrial unit with offices (B1 & B3) with associated access and parking facilities along with other ancillary works 50 metres south west of Ferguson Drive, Knockmore Hill Industrial Estate, Lisburn

It was agreed that the Pre-Application Notice in relation to the above application, together with the attendant Site Location plan, be noted.

- 4.7 Submission of Pre-Application Notice (PAN) for a mixed use development comprising mixed tenure residential development and employment uses, park & ride provision and associated landscaping, car parking and site works on lands at 160 Moira Road, Lisburn

It was agreed that the Pre-Application Notice in relation to the above application, together with the attendant Site Location plan, be noted.

Councillor John Palmer drew attention to the fact that under Section 11 of the PAN, the Elected Members for the Downshire West District Electoral Area had been listed instead of those for the Lisburn South District Electoral Area which was the area in which the proposal was located. The Head of Planning and Capital Development would request that an Officer of the Planning Unit convey this correction to the necessary planning agent.

- 4.8 Feedback on Guidance for Councils on Building Preservation Notices/Schemes of Delegation (Closing date: 1st July 2022)

Members were provided with copy of a publication entitled “Building Preservation Notices – A good practice guide for District Councils” which had been received from the Historic Environment Division. Comments thereon were sought by the 1st July 2022.

At its meeting held on the 1st June 2022, the Development Committee had delegated authority for the response to be prepared by Officers and for the final response to be included in the noting schedule of the Development Committee.

It was proposed by Alderman O Gawith, seconded by Councillor M Gregg and agreed that the request from the Historic Environment Division for feedback in regard to the above be noted and that a response be prepared and submitted under the authority delegated by the Development Committee on the 1st June 2022.

Alderman A Swan left the meeting. (2.00 pm)

5. Applications to be Determined (Continued)

(v) LA05/2021/0944/F – Dwelling under Policy CTY 6 on land 35 metres south east of 252 Hillhall Road, Lisburn

The Senior Planning Officer (RT) re-commenced her presentation of the application and drew Members' attention to the following:-

- Medical records (in regard to the applicant's parents) to support the application had been received but were too substantial to upload to Decision Time. A copy could be made available to any interested Member. However the report before the meeting provided a synopsis of the medical records.

Ms Laura McCausland

The Committee received Ms Laura McCausland (via Zoom) who wished to speak in support of the application and had provided the Committee with a written submission in advance of the meeting. Ms McCausland made her presentation.

Questions to Ms McCausland

Ms McCausland responded to Members' questions as follows:-

- Alderman J Tinsley asked if any other solutions by way of the provision of suitable accommodation were available. Ms McCausland referred to the medical records provided and to the nature of ailments which the applicant's parents suffered and which would not improve with age. In addition to the medical conditions, there was also the issue of mental wellbeing and social support which living in an adjacent dwelling would provide. An extension to the existing dwelling or the conversion of an existing outbuilding would not be options for the reasons as detailed in the submission. Refusal of the application would also affect the applicant's availability to care for younger dependents and grandchildren.
- Alderman D Drysdale enquired about vehicular access to the site by medical persons/carers etc. Ms McCausland stated that all care is currently provided by the applicant at a location where the parents currently reside.
- Alderman W J Dillon sought background to the present caring arrangements for the applicant's parents who currently live some miles away. These were provided by Ms McCausland.
- Councillor J McCarthy enquired about the loss of garden space should an extension to the existing dwelling be provided. Ms McCausland stated that the substantial loss of 65% garden space would be detrimental to the amenity space enjoyed by the dwelling house and for care arrangements for children and grandchildren at that location.

(v) LA05/2021/0944/F – Dwelling under Policy CTY 6 on land 35 metres south east of 252 Hillhall Road, Lisburn (Continued)

- Councillor John Palmer asked if No. 252 Hillhall Road could be part of the application. Ms McCausland confirmed that No 252 was a separate entity and was not part of the application under consideration.

Questions to Planners

A question and answer session with the Planning Officers proceeded. The following issues arose:-

- It was proposed by Alderman W J Dillon, seconded by Councillor John Palmer and agreed that the meeting go “into Committee” in order to consider the medical records provided. The live-stream was paused at this stage in proceedings. The public left the meeting also.

The Head of Planning and Capital Development responded to questions in regard to the medical records provided.

It was proposed by Councillor J Craig, seconded by Alderman W J Dillon and agreed to come “out of Committee”. Normal business and the live-stream were resumed.

- Councillor J Craig enquired as to the dimensions of the proposed dwelling, and those which an extension to the current dwelling and also the conversion of an outbuilding would provide. The Head of Planning and Capital Development provided these dimensions. He further clarified that the Officer considered there to be sufficient space to extend the existing dwelling, to provide care and to still have a large garden space necessary to serve a large family dwelling. The option to convert an outbuilding would result in a unit equivalent in size to a two bedroom apartment. Therefore the accommodation need for the applicant’s parents could be addressed by such alternative provisions.
- Councillor U Mackin enquired about mobile home provision as an option. The Head of Planning and Capital Development stated that whilst it would be an alternative means of accommodation, a mobile home would only be a temporary measure as planning permission would only apply for a three year period and it would then require to be renewed. As the need appeared to be for a longer period, this type of alternative accommodation appeared not to be a viable option.

Debate

During debate, the following comments were made:-

- Alderman W J Dillon stated that he did not consider the medical evidence to be compelling so as to merit the proposed dwelling and that he would be supporting the recommendation.

(v) LA05/2021/0944/F – Dwelling under Policy CTY 6 on land 35 metres south east of 252 Hillhall Road, Lisburn (Continued)

- Alderman D Drysdale stated that the evidence presented would not allow him to overturn the recommendation.
- Alderman J Tinsley considered the application to be finely balanced.
- Alderman O Gawith stated that the evidence presented would not allow him to overturn the recommendation.
- Councillor J Craig stated that the application required a balanced decision. However given that a policy existed as did alternative options for accommodation, he would support the recommendation.
- Councillor John Palmer considered the case to be a difficult one on which to make a decision.

Vote

Having considered the information provided within the report of the Planning Officer, the Committee agreed by a vote of 9:1 with no abstentions to refuse the application as outlined in the report. (Councillor A Swan was not present for this item of business, having declared an interest in it.)

6. Any Other Business

There was no other business.

There being no further business, the meeting concluded at 3.20 pm.

CHAIRMAN / MAYOR

LISBURN & CASTLEREAGH CITY COUNCIL**Minutes of the Planning Committee held remotely and in the Council Chamber, Island Civic Centre, Lisburn on Monday 4th July 2022 at 10.05am.****PRESENT:**

Alderman J Tinsley (Chairman)
Councillor John Palmer (Vice-Chairman)
Aldermen W J Dillon MBE, D Drysdale and O Gawith
Councillors D J Craig, J McCarthy and A Swan
Alderman A Grehan (via Zoom)

IN ATTENDANCE:**Present in Chamber**

Director of Service Transformation
Head of Planning and Capital Development
Principal Planning Officer (RH)
Senior Planning Officer (MB)
Senior Planning Officer (RT)
Member Services Officers (BF & CR)
Mr B Martyn (Cleaver Fulton Rankin) - Legal Adviser

Commencement of Meeting

The Chairman, Alderman J Tinsley, welcomed everyone to the meeting which was being live streamed to enable members of the public follow proceedings. He stated that Planning Officers were present in the Chamber and that those persons speaking for or against the applications had been afforded the option of attending in person or on a remote basis.

The Member Services Officer read out the names of the Elected Members and officers in attendance. The Head of Planning and Capital Development outlined the housekeeping and evacuation procedures.

1. Apologies

Apologies were reported on behalf of Councillors M Gregg and U Mackin.

(Mr B Martyn (Cleaver Fulton Rankin) arrived at 10.08am)

2. Declarations of Interest

There were no declarations of interest.

3. Minutes of Meeting of the Planning Committee held on 13th June 2022

The Committee agreed that the minutes of the meeting of 13th June 2022 be signed as a correct record.

(Councillor John Palmer joined the meeting at 10.09am)

4. Report from the Head of Planning and Capital Development

4.1 Schedule of Applications

4.1.1 Application Withdrawn

- (i) LA05/2017/0021/F – Demolition of existing buildings and erection of a Care Home Class 3 (B) of the Schedule of the Planning (Use Class) Order (NI) 2015, comprising 86 bedrooms, day rooms, kitchens, offices, stores and ancillary accommodation (on three floors of accommodation), modification of an existing access to Saintfield Road and provision of car parking (in the basement), visitor parking and servicing at 531 Saintfield Road, Belfast, BT8 8ES

The Chairman, Alderman J Tinsley, indicated that a request had been received earlier that morning from Mr Michael Gordon, the Agent representing the Applicant for the above-mentioned application, asking that it be withdrawn from the Schedule. He advised that the request had been submitted as the Agent had reportedly contracted Covid-19 and was not in a position to present to the Committee, either in-person or virtually. The Agent had also advised that several other staff members in his company had contracted Covid-19 and that there was no one else available to handle the case.

In light of the exceptional circumstances outlined, it was agreed to defer consideration of the application.

4.1.2 Applications to be Determined

The Chairman reminded Members that they were required to be present for the entire determination of an application. Should they be absent for any part of the discussion, Members would be unable to vote on the application.

The Legal Adviser, Mr B Martyn, highlighted paragraphs 43 - 46 of the Protocol for the Operation of the Lisburn & Castlereagh City Council Planning Committee which, he advised, needed to be borne in mind when determinations were being made.

- (ii) LA05/2021/0866/F - erection of agricultural buildings, one shed for sheep birthing pens and one general purpose agricultural shed for storage of fodder and farm machinery

The Principal Planning Officer (RH) presented the application as outlined within the circulated report.

(Alderman D Drysdale joined the meeting at 10.31am)

Speaker

The Committee received Mr A Nesbitt (via Zoom) from Andrew Nesbitt Architects who spoke in favour of the application having provided the Committee with a written submission in advance of the meeting.

Questions to Mr Nesbitt

In response to several questions from Members, Mr Nesbitt provided clarity on the types of land usage across the site and the reasons as to why the land had previously been sub-let by the owner. In addition, he indicated:

- that the sub-letting agreement at the site had concluded in October 2020 and that the plot of land was now under the management of the landowner; and
- that the landowner had not claimed single farm payment for the land in question for a period of six-years, whilst the person who had leased the land had made claims in this regard for the site.

Questions to the Planners

- In response to a query raised by Alderman O Gawith, regarding the eligibility of a sub-contractor to claim single farm payments on behalf of a landowner, the Head of Planning and Capital Development clarified the eligibility rules for the Basic Payment Scheme (BPS); and
- The Head of Planning and Capital Development, in response to further queries, pointed out that there remained an onus on the applicant to demonstrate that the level of activity on the land was sufficient to justify the development as presented.

Debate

During debate, both Alderman W J Dillon and Councillor A Swan indicated that they were both satisfied that the level of activity at the site did not justify the development and, as such, they would be supporting the recommendation to refuse the application.

Vote

Having considered the information provided within the report of the Planning Officer, the Committee agreed by a unanimous show of hands to refuse the application.

(It was noted that Alderman D Drysdale did not partake in the vote since he had joined the meeting after the item had commenced).

Adjournment

The Chairman agreed to a late request for speaking rights that had only been received earlier in the morning. To assist the Members' understanding of the issues, the Committee stood adjourned from 10.52am to 11:00am to allow it to consider the written submission supplied in support of the speaking rights in respect of the undernoted application.

- (iii) LA05/2021/0288/F - Site 88m east of No 75 Grove Road, Dromore, BT25 1QY re: Proposed "Dutch barn style" hayshed

The Senior Planning Officer (MB) presented the application.

Speaker

The Committee received Mr Jonathan Todd of Ballymullan Architects who represented the Applicant and he spoke in favour of the application having provided the Committee with a written submission in advance of the meeting.

In response to a Member's question with regard to the current management and maintenance of the site, Mr Todd confirmed that the applicant had resumed those responsibilities after a period of ill health, and that it was his understanding that this site had been subject to pre-application discussions and was agreed in principle.

Questions to Planners

The Head of Planning and Capital Development responded to Members' questions and clarified the following matters:

- that officers from the Planning Unit had met with the applicant to discuss land requirements issues in February 2020, and that no commitment was offered in respect of the siting of the farm buildings;
- that the planning approval granted previously for a dwelling near to the site re: LA05/2018/0390/O was still in place; and
- that the aforementioned development site was approximately 230 metres from the proposed new development.

Debate

Members considered the application and a query was raised by Alderman O Gawith and Councillor A Swan regarding the invoices presented within the report to indicate that the land had been used for farming activity over the prerequisite six-year period. In this regard, it was noted that the sequential numbering of the invoices presented did not reflect the date order of their issuing.

(The Director of Service Transformation left the meeting at 11.29am).

Alderman W J Dillon suggested that a site visit be convened to enable members to consider the location of the proposed development and its proximity to existing dwellings on the site to the surrounding vicinity.

Vote

Several Members concurred with the comments of Alderman W J Dillon and after further discussion it was proposed by Alderman A Gawith, seconded by Councillor John Palmer, and agreed unanimously that the Committee defer consider of the application to enable a site visit to be undertaken for the reasons outlined within the previous paragraph.

- (iii) LA05/2021/0017/F - proposed stable block (domestic) including tack room/feed store, washroom/wash bay, hard standing and all associated site works

Prior to consideration of this application, the Chairman advised Members that, subsequent to the publication of the Committee papers, the applicant had, on Friday, 1st July, 2022, submitted an amended drawing for consideration and had requested a deferral to enable Members to consider the additional information in further detail. However, he pointed out that that he had discussed the request with Planning staff and that he had been advised that the late submission had been incorporated into the presentation as prepared and, on that basis, he was content to proceed with the application.

The Senior Planning Officer (RT) presented the application as outlined.

Speaker

The Committee received Mr Andy Stephens who represented the Applicant and he spoke in favour of the application, having provided the Committee with an amended drawing of the site in advance of the meeting. He indicated that he had only become aware on the previous Wednesday that the application was due to be considered and had submitted the revised drawing at short notice.

Questions to Planners

The Head of Planning and Capital Development and the Planning Officer responded to a range of questions.

- In respect of the amended drawing, the Planning Officer advised that following consideration of the information the Planners remained of the opinion that it had not addressed nor altered the original reasons for refusal which had already been identified, that being, the issue of ribbon development, site access and prominence, visual amenity and its impact on the surrounding landscape.
- The Head of Planning and Capital Development emphasised that, whilst the applicant was entitled to submit the amended drawing for consideration, it was entirely a matter for the Committee to determine whether it wished to

defer the application to consider in further detail the amended drawing. However, it remained the view, he added, that the amended drawing did not change the reasons stated for recommending refusal as set out in the original report.

Debate

- Several Members pointed out, regarding the Agent's view that the department had not communicated sufficiently with him regarding the application, that there was an onus on applicants to liaise with planning officials throughout the process to ascertain when an application would be presented for consideration;
- Alderman D Drysdale referred to the additional information which had been submitted and pointed out that the reasons for refusal as outlined within the report had not been addressed within the new material; and
- Councillor D J Craig and Alderman O Gawith suggested that it might be prudent for the Committee to consider further the amended plans to assist in the decision-making process.

Vote to defer application

Arising from discussion, it was proposed by Alderman O Gawith and seconded by Councillor John Palmer that the Committee agree to defer consideration of the application for one month to enable the additional information submitted on behalf of the Applicant to be considered in further detail.

On a vote by show of hands, four Members voted in favour of the proposal and four against. Accordingly, the Chairman, Alderman J Tinsley, exercised his second and casting vote against the proposal to defer the application and it was declared lost.

Vote

Having considered the information provided within the report of the Planning Officer, together with the clarification on the additional information submitted, the Committee voted by show of hands, with seven Members voting in favour and none against, with two abstentions, to adopt the recommendation to refuse the application.

4.2 Statutory Performance Indicators – May 2022

Members were provided with information on Statutory Performance Indicators for the month of May 2022, and a verbal summary was provided by the Head of Planning and Capital Development.

The Committee noted the information provided.

4.3 Notification by telecommunication operator(s) of intention to use permitted development rights

The Committee was informed that three telecommunication operators had advised of their intention to utilise permitted development rights at locations within the Council area to install electronic communications apparatus in accordance with Part 18 (Development by Electronic Communications Code Operators) F31 of the Planning (General Permitted Development) Order (NI) 2015.

The Committee noted the information provided and, in response to a query from Councillor John Palmer regarding the need for Members declaring an interest in a proposed installation at 17 Old Coach Road, Hillsborough, since it would be located on Council property, the Head of Planning and Capital Developments undertook to draw the matter to the attention of the Head of Assets.

5. Any Other Business

There was no other business and the meeting concluded at 12.29pm.

CHAIRMAN



Council Meeting

23rd August 2022

Report from:

Chief Executive

Item for Decision

TITLE: Councillor Simon Lee – Change of Party

Background and Key Issues:

Members are advised that email notification dated 16th August 2022 has been received from Councillor Simon Lee to advise that he is now a member of the Social Democratic and Labour Party (SDLP).

Recommendation:

It is recommended to note the above information.

Finance and Resource Implications:

N/A

Screening and Impact Assessment

1. Equality and Good Relations

Has an equality and good relations screening been carried out on the proposal/project/policy?

If no, please provide explanation/rationale

N/A

If yes, what was the outcome? :

Option 1 Screen out without mitigation	<input type="text" value="No"/>	Option 2 Screen out with mitigation	<input type="text" value="No"/>	Option 3 Screen in for a full EQIA	<input type="text" value="No"/>
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Rationale for outcome/decision (give a brief explanation of any issues identified including mitigation and/or plans for full EQIA or further consultation)

N/A

Insert link to completed Equality and Good Relations report:

N/A

2. Rural Needs Impact Assessment:

Has consideration been given to Rural Needs?	<input type="text" value="No"/>	Has a Rural Needs Impact Assessment (RNIA) template been completed?	<input type="text" value="No"/>
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If no, please given explanation/rationale for why it was not considered necessary:

N/A

If yes, give brief summary of the key rural issues identified, any proposed actions to address or mitigate and include the link to the completed RNIA template:

N/A

SUBJECT TO PLANNING APPROVAL:

If Yes, "This is a decision of this Committee only. Members of the Planning Committee are not bound by the

decision of this Committee. Members of the Planning Committee shall consider any related planning application in accordance with the applicable legislation and with an open mind, taking into account all relevant matters and leaving out irrelevant consideration”.

APPENDICES:

None

HAS IT BEEN SUBJECT TO CALL IN TO DATE?

No

If Yes, please insert date:

N/A



Council Meeting

23rd August 2022

Report from:

Director of Environmental Services

Item for Decision

TITLE: Delegated Authority for specified matters for approval at the September Environmental Services Committee

Background and Key Issues:

1. Delegated authority is required for the September meeting of the Environmental Services Committee (ESC) to consider and approve reports on the following matters :
 - i. Response to the Consultation on the Draft Food Hygiene Rating (Online Display Regulations (Northern Ireland) 2023 from the Food Standards Agency. An email has also been circulated to Members of the ESC on 6th July 2022 and invited comments which would be included in the response. The consultation closes on the 9th September and the ESC meeting will take place on the 7th September where the draft response can be considered and approved.
 - ii. Response to the Consultation on the Draft National Air Pollution Control Programme (NAPCP) from the Department for Environment, Food and Rural Affairs (DEFRA). An email was sent to Members of the ESC on 29th July 2022 inviting comments which would be included in the response. The Consultation closes on 4th September 2022, 3 days before the ESC meeting on the 7th September therefore retrospective approval to the response to the consultation will be sought at the September ESC.
 - iii. Contract variations for arc21 waste management contracts as detailed below. Each of these contract variations were considered and approved at the meeting of the arc21

Joint Committee on the 30th June 2022. For the purpose of Council governance requirements each member council is also required to approve the following:

- a. Organic Waste Treatment contract with Natural World Products (NWP);
- b. Mixed Dry Recyclable collection and treatment contract extension for 1 year;
- c. Interim Residual waste procurement arrangements;
- d. Street Sweepings contract extension for up to 6 months;
- e. Transfer Station Capacity.

Recommendation:

It is recommended that Members grant delegated authority for the September Environmental Services Committee for the specified matters as detailed in this report.

Finance and Resource Implications:

There is no financial impact associated with the consultations as detailed in this report. Existing revenue budget provision within the 2022/23 year is made for the waste management contracts. Due to ongoing financial uncertainties associated with both CPI and global pressures it is likely that there will be an increase applied per tonne. This has yet to be determined and any variation will be reported back through the management accounts.

Screening and Impact Assessment

1. Equality and Good Relations

Has an equality and good relations screening been carried out on the proposal/project/policy?

If no, please provide explanation/rationale

N/A

If yes, what was the outcome? :

Option 1 Screen out without mitigation	<input type="text" value="No"/>	Option 2 Screen out with mitigation	<input type="text" value="No"/>	Option 3 Screen in for a full EQIA	<input type="text" value="No"/>
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Rationale for outcome/decision (give a brief explanation of any issues identified including mitigation and/or plans for full EQIA or further consultation)

N/A

Insert link to completed Equality and Good Relations report:

N/A

2. Rural Needs Impact Assessment:

Has consideration been given to Rural Needs?	<input type="text" value="No"/>	Has a Rural Needs Impact Assessment (RNIA) template been completed?	<input type="text" value="No"/>
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If no, please give explanation/rationale for why it was not considered necessary:

N/A

If yes, give brief summary of the key rural issues identified, any proposed actions to address or mitigate and include the link to the completed RNIA template:

N/A

SUBJECT TO PLANNING APPROVAL:

If Yes, "This is a decision of this Committee only. Members of the Planning Committee are not bound by the decision of this Committee. Members of the Planning Committee shall consider any related planning application in accordance with the applicable legislation and with an open mind, taking into account all relevant matters and leaving out irrelevant consideration".

APPENDICES:

HAS IT BEEN SUBJECT TO CALL IN TO DATE?

If Yes, please insert date:

N/A



Council

Confidential

23 August 2022

Confidential Report from:

Chief Executive

Local Government Act (Northern Ireland) 2014
Schedule 6 - Access to Information: Exemption Information

Information relating to the financial or business affairs of any particular person (including the Council holding that information).

When will the report become unrestricted:

Specify when
report will
become available

When the
Agreement is
signed and
registered

Redacted
report
available

Never

Item for Decision

TITLE: Requirement to enter into a Section 76 planning agreement for planning applications LA05/2017/1124/F and LA05/2018/0412/F

Background and Key Issues:

Background

- Section 76 (1) of the Act provides that any person with an estate in land may enter into an agreement with the relevant authority to:
 - Facilitate or restrict the development or use of land in any specified way;
 - Require specified operations or activities to be carried out in, on, under or over land;

- Require the land to be used in a specified way; or
- Require a sum or sums to be paid to the planning authority or to a Northern Ireland government department on specified date/dates or periodically.

Key Issues

1. It was resolved at a meeting of the planning committee on 02 August 2021 to grant planning permission for a residential development and associated road improvements under application references LA05/2017/1124/F and LA05/2018/0412/F subject to identified landowners entering into a planning agreement with the Council as follows:

PART A – RETENTION OF SLURRY TANK COVER SYSTEM

This covenant will ensure that the slurry tank cover is installed in accordance with the Air Quality Impact Assessment at Draynes Farm prior to the Occupation of any dwelling permitted under planning permission LA05/2017/1124/ F and shall remain in place as long as the relevant slurry tank is installed at Draynes Farm.

The purpose of the covenant is to protect the amenity of residents living in close proximity to the site.

PART B – THE REMOVAL OF AGRICULTURAL PERMITTED DEVELOPMENT RIGHTS

Notwithstanding the provisions of the Planning (General Permitted Development) Order (Northern Ireland) 2015 (as amended), in respect of Draynes Farm, there is a requirement to waive any agricultural permitted development rights listed in Part 7 of that Order (other than any such rights expressly authorised by this Deed).

The purpose of the covenant is to protect the amenity of residents living in close proximity to the site.

PART C –THE DELIVERY OF OFF-SITE ROAD IMPROVEMENTS PROPOSED UNDER APPLICATION LA05/2018/0412/F

No dwelling permitted under planning permission LA05/2017/1124/F shall be Occupied until the off-site road improvements as permitted under planning permission LA05/2018/0412/F have been completed as shown on the Roads Works Plans.

The purpose of the covenant is to ensure there is adequate infrastructure to serve the development and that this is delivered at an early stage of the development.

2. A copy of the agreement is attached (**see Appendix***) and is also to be entered into under Article 8 of the Local Government (Miscellaneous Provisions) (Northern Ireland) Order 2002 and Section 79 of the Local Government Act (Northern Ireland) 2014 and all other enabling powers must also accord with the Strategic Planning Policy Statement for Northern Ireland.

3. Under the Planning Act (NI) 2011 the Agreement must be sealed by the Council under the Council's constitution the signing of legal documents and the affixing of the corporate seal is delegated to the Chief Executive.

*access to the signed agreement is through Land Registry seeking a copy from the statutory charges register.

Recommendation:

It is recommended that the Council:

- (i) Note that the attached agreement is presented in accordance with the decision of the Planning Committee to grant planning permission subject to the covenants described in this report; and
- (ii) Agree to the legal document being signed and sealed by The Right Worshipful the Mayor and Chief Executive.

Finance and Resource Implications:

In accordance with the miscellaneous provisions set out at section 6 of the agreement:

The Developers shall pay to the Council the legal costs of the Council incurred in the negotiation, preparation and execution of this Deed. The Developers shall also pay to the Council on completion of this Deed a fee of five thousand pounds (£5000.00) as a contribution towards the Council's costs of monitoring the implementation of this Deed.

Screening and Impact Assessment

1. Equality and Good Relations

Has an equality and good relations screening been carried out on the proposal/project/policy? No

If no, please provide explanation/rationale

The report seeks agreement of Full Council to a legal document being signed and sealed by the Mayor and Chief Executive. An EQIA is not required as the policies that informed the planning decision have been subject to separate screening and assessment.

If yes, what was the outcome:

Option 1 Screen out without mitigation	N/A	Option 2 Screen out with mitigation	N/A	Option 3 Screen in for a full EQIA	N/A
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Rationale for outcome/decision (give a brief explanation of any issues identified including mitigation and/or plans for full EQIA or further consultation)

N/A

Insert link to completed Equality and Good Relations report:

N/A

2. Rural Needs Impact Assessment:

Has consideration been given to Rural Needs?

No

Has a Rural Needs Impact Assessment (RNIA) template been completed?

No

If no, please give explanation/rationale for why it was not considered necessary:

The report seeks agreement of Full Council to a legal document being signed and sealed by the Mayor and Chief Executive. RNIA is not required to be completed for the same reasons outlined in the previous section of this report.

If yes, give brief summary of the key rural issues identified, any proposed actions to address or mitigate and include the link to the completed RNIA template:

N/A

SUBJECT TO PLANNING APPROVAL:

No

If Yes, "This is a decision of this Committee only. Members of the Planning Committee are not bound by the decision of this Committee. Members of the Planning Committee shall consider any related planning application in accordance with the applicable legislation and with an open mind, taking into account all relevant matters and leaving out irrelevant consideration".

APPENDICES:

APPENDIX XX CONFD – Section 76 Agreement in respect of LA05/2017/1124/F and LA05/2018/0412/F

HAS IT BEEN SUBJECT TO CALL IN TO DATE?

No

If Yes, please insert date: