

BALLYMONEY BOROUGH COUNCIL

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BALLYMONEY BOROUGH COUNCIL

Minutes of Consultation Committee Meeting No 19, held in the Council Chamber, Riada House, Ballymoney on Monday 17th September 2007 at 7.00 pm.

IN THE CHAIR R Wilson

PRESENT

Aldermen
F Campbell
C Cousley

Councillors
A Cavlan
B Kennedy
M McCamphill
E Robinson
I Stevenson

APOLOGIES:

Aldermen
H Connolly
J Simpson

Councillors
J Finlay, Mayor
D McKay, MLA

IN ATTENDANCE

Chief Executive
Committee Clerk

Social Security Agency (Item 1)
C Boyle, Director for Business Development
M McGinn, Deputy Manager
M Stitt, District Manager
P McIntyre, Deputy Principal

DoE (Items 2-5)
Mr J McGoldrick, Planning Officer
Mr G Walker, Planning Officer

19.1 PRESENTATION – SOCIAL SECURITY AGENCY STRATEGIC BUSINESS REVIEW (SBR)

The Chairman welcomed representatives from the Social Security Agency to the meeting to update members on the progress of their Strategic Business Review (SBR), details of which were circulated and attached as Appendix 1.

*** Councillor McGuigan arrived at 7.07 pm**

The review has been commissioned to identify pressures on the service over recent months and to formulate substantial changes in the way that business is delivered. It is anticipated that a Business Case will be finalised in November/December 2007 when it is hoped that objectives for the implementation of a preferred service delivery model across Northern Ireland will be finalised, subject to public consultation. The consultation exercise is scheduled to run from December 2007 to end February/early March 2008, followed by submission of the review to Ministers for formal approval, with implementation of the plan commencing in April 2008.

Representatives from the Agency responded to questions from Councillor Stevenson relating to the retention of employment within the Borough, indicating that employment is a key issue and that a number of approaches are being considered to maximise the use of existing offices in various locations. The review will take into account the number of customers the centre will service and optimum locations of such centres. This issue will be subject to the criteria outlined in the 'Green Book' and a consultation exercise for stakeholders will take place. It is the intention of the Agency to retain local services where possible.

*** Councillor Robinson and Councillor Kennedy arrived at 7.25 pm**

Councillor Cavlan supported Councillor Stevenson and highlighted concerns relating to centralised services for such issues as pension credit and incapacity benefits.

Representatives concluded by assuring members of the Agency's commitment in providing a secure and continued service throughout Northern Ireland.

The Chairman thanked representatives from the Agency for their presentation and they left the meeting at **7.35 pm**.

*** Planning Officers joined the meeting at 7.35 pm**

19.2 MINUTES – MEETING NO 18 – 20TH AUGUST 2007

It was proposed by Alderman Campbell, seconded by Councillor Stevenson and **AGREED:**

that the minutes of Meeting No 18 – 20th August 2007, as circulated, be confirmed as a correct record.

19.3 PLANNING APPLICATIONS – DRAFT PPS14 AND DRAFT AREA PLANS

The following statement by David Ferguson, Chief Executive of the Planning Service was circulated to members.

PLANNING APPLICATIONS AND DRAFT PPS14

“I thought it might be helpful if I clarified some matters in relation to today’s High Court judgement on draft PPS 14 and the handling of planning applications by Planning Service.

You will be aware that Mr Justice Gillen decided that the Department for Regional Development does not have the power to prepare draft PPS 14. Despite some press reports to the contrary, our understanding is that the judge has **not** yet **formally** quashed PPS 14. He has instead given the parties a week to consider the issue of remedies before finalising his judgement and we are working urgently with colleagues in the Department for Regional Development on what those remedies might be.

In the meantime, draft PPS 14 continues to be a consideration in deciding planning applications. This applies to applications which are currently with us for processing and those which may be submitted up to the final Court decision. A decision will be made on the appropriate way forward in terms of the policy to be applied to applications when the Court considers the remedies and finalises its judgement.

Although draft PPS 14 continues to be a material consideration for the time being, there are a couple of operational issues which I thought your Council should be made aware of. The first is that we consider that it would be prudent to hold decisions on applications which have been determined under draft PPS 14 until the Court’s further consideration at the end of next week. We are doing this in order not to prejudice any remedies which may be put before the Court. The second is that a number of Councils have received planning schedules for meetings in the week beginning 10 September which include refusals under draft PPS 14. In these particular instances I have instructed my staff to propose deferral of such applications, again until the way ahead is clear.

I hope your Council will agree that these are sensible steps to take in the immediate aftermath of today’s judgement and pending further developments with the Court after the end of next week. I will write again further, as necessary. In the meantime, if you have any queries, please do not hesitate to contact my office.”

Planning Officers explained that, in view of this statement, all refusals associated with PPS14 will be held pending the review and that all approved applications will be held for a two week period to enable the applicant to re-evaluate the policy under which approval has been granted.

At the request of Councillor Stevenson, Planning Officers confirmed that the Regional Development Strategy for approving planning permission in urban areas of the town remains unchanged but that the draft Northern Area Plan could be affected depending on the judicial review.

19.4 PLANNING APPLICATIONS

Planning Applications 1-39 and 1-4 (deferred) were considered in line with the statement relating to PPS14 and the Draft Area Plans, as detailed in 19.3 above and the opinion of the Planning Service accepted except where stated otherwise.

ITEM NO 1

APPLIC NO	D/2005/0378/F	Full	Date Valid	11/04/2005
APPLICANT	Mr R Wilson			
APPLIC ADDRESS	Harmony Hill, Balnamore, Ballymoney, BT53 7PS			
LOCATION	Harmony Hill, Ballnamore, Ballymoney			
PROPOSAL	Proposed part change of use from private residential areas to public residents lounge and meeting room.			
REPRESENTATION	1	Objections 0	Support 0	Petition of Objection 0
OPINION	REFUSAL			

1 Insufficient information to determine the application

Objections related to: Additional car parking

It was proposed by Alderman Campbell, seconded by Councillor Stevenson that:

an Office Meeting be held under Criterion No 5

Planning officers advised that there has been a long delay in receiving information from this applicant and offered to hold the application for two weeks to enable the applicant to submit requested information to Environmental Health.

Councillor Kennedy recorded his view that the decision of the Planning Service to refuse the application should be accepted.

Council confirmed to the Department that it did not oppose the recommendation to refuse the application but that an office meeting is proposed.

A vote was taken with seven members voting in favour of an office meeting and none against.

ITEM NO 2

APPLIC NO D/2006/0131/F Full Date Valid 02/05/2006

APPLICANT Riada Estates Limited

APPLIC ADDRESS C/O Hughes McMichael Limited, 97 University Street, Belfast, BT7 1HP

LOCATION 6-22 Linenhall Street, 2-10 Charles Street, Cinema on High Street, 25-27 High Street, Ballymoney.

PROPOSAL Proposed 71 apartments and 9 townhouses with retail units and associated parking, roadworks and landscaping. Proposed extension to 25-27 High Street, (Re-advertisement - amended proposal).

REPRESENTATION 0 Objections 1 Support 0 Petition of Objection 0 Support Petitions

OPINION APPROVAL

Planning Service advised that they have received one letter of support for this major investment to Ballymoney town centre.

Alderman Campbell and Councillor Stevenson welcomed the decision of the Department to approve this application due to the lack of social housing in the area.

ITEM NO 4

APPLIC NO D/2006/0211/F Full Date Valid 08/05/2006

APPLICANT Jmf Ltd.

APPLIC ADDRESS C/o Agent

LOCATION 69 Frosses Road, Ballymoney

PROPOSAL Retention of industrial workshop for welding, painting and assembly of trailers.

REPRESENTATION 0 Objections 1 Support 0 Petition of Objection 0 Support Petitions

OPINION APPROVAL

Planning Service advised that they have received one letter of support for this employment opportunity within the town.

Councillor Kennedy recorded his association with the letter of support.

ITEM NO 5

APPLIC NO D/2006/0401/O Outline Date Valid 25/08/2006

APPLICANT Mr U Hutchinson

APPLIC ADDRESS C/o Bell Architects Ltd, 76 Main Street, Ballymoney, BT53 6AL

LOCATION 17 Shanaghy Road, Ballymoney
 PROPOSAL Retention of existing vernacular dwelling with extension and renovations.
 REPRESENTATION 0 Objections 0 Support 0 Petition of Objection 0 Support Petitions
 OPINION APPROVAL

Planning Service advised that this application has been considered under PPS14 but will be held for two weeks to enable the applicant to consider application under a more suitable policy.

ITEM NO 6
 APPLIC NO D/2006/0482/F Full Date Valid 11/10/2006
 APPLICANT Mrs V Elder
 APPLIC ADDRESS 5 Bannfield, Ballymoney
 LOCATION 5 Bannfield, Ballymoney
 PROPOSAL Beauty salon (existing)
 REPRESENTATION 0 Objections 0 Support 0 Petition of Objection 0 Support Petitions
 OPINION **REFUSAL**

- 1 Unacceptable use within residential area
- 2 Unacceptable parking arrangements

It was **AGREED:** **That an Office Meeting be held (Alderman Campbell on behalf of Councillor Finlay)**

ITEM NO 7
 APPLIC NO D/2006/0515/RM Reserved Date Valid 26/10/2006
 APPLICANT Mr J Wallace
 APPLIC ADDRESS 300 Finvoy Road, Rasharkin
 LOCATION 90m North of 33 Moneyleck Road, Rasharkin
 PROPOSAL Erection of dwelling and garage
 REPRESENTATION 2 Objections 0 Support 0 Petition of Objection 0 Support Petitions
 OPINION APPROVAL

Objections related to: **Access, right of way on access and road safety. Roads issues have now been resolved with Roads Service.**

ITEM NO **8**
APPLIC NO D/2006/0516/RM Reserved Date Valid 26/10/2006
APPLICANT Mr R Wallace
APPLIC ADDRESS 300 Finvoy Road, Rasharkin
LOCATION 95m N.W. of 33 Moneyleck Road, Rasharkin
PROPOSAL Erection of dwelling and garage
REPRESENTATION 2 Objections 0 Support 0 Petition of Objection 0 Support Petitions
OPINION APPROVAL

Objections related to: **Access, right of way on access and road safety.
Roads issues have now been resolved with Roads
Service.**

ITEM NO **11**
APPLIC NO D/2007/0064/O Outline Date Valid 13/02/2007
APPLICANT Mr J Christie
APPLIC ADDRESS 7 Ballyveely Road, Armoy, BT53 8UX
LOCATION 7, 9 & 11 Ballyveely Road, Armoy, Ballymoney.
PROPOSAL Proposed demolition of existing dwellings and replacement with 3 no.
new dwellings.
REPRESENTATION 2 Objections 0 Support 0 Petition of Objection 0 Support Petitions
OPINION **REFUSAL**

1 Contrary to Policy CTY5 (Replacement Dwellings) of Draft PPS14, Sustainable
Development in the Countryside in that only one replacement opportunity
exists on site.

**Deferred by Planning Service pending consideration of the review relating to refusals
under draft PPS 14.**

ITEM NO **15**
APPLIC NO D/2007/0091/RM Reserved Date Valid 23/02/2007
APPLICANT Mr E Bustard
APPLIC ADDRESS C/O Hunter Associates, 8 Charlotte Street, Ballymoney, BT53 6AY
LOCATION Rear of 45 & 47 Newal Road, Ballymoney.
PROPOSAL Proposed 4 no. apartments at rear of 45 & 47 Newal Road, Ballymoney.
REPRESENTATION 1 Objections 0 Support 0 Petition of Objection 0 Support Petitions
OPINION **REFUSAL**

Councillor Kennedy questioned the decision to refuse this application as full planning permission had been approved at the outline stage. Councillor Kennedy expressed the view that this should be the subject of an Office Meeting.

The Planning Officer advised that the full application was not linked to the original application, which was approved prior to PPS 14. Full application has to be assessed under current planning policy. Alternatively, an application for reserved matters must be in accordance with the outline approval.

Deferred by Planning Service pending consideration of the review relating to refusals under draft PPS 14.

ITEM NO 21
 APPLIC NO D/2007/0176/O Outline Date Valid 12/04/2007
 APPLICANT Ms Y Simpson
 APPLIC ADDRESS C/o Hunter Associates, 8 Charlotte Street, Ballymoney, BT53 6AY
 LOCATION 195 Kilraughts Road, Ballymoney
 PROPOSAL Replacement of existing semi-detached dwelling with new dwelling.
 REPRESENTATION 0 Objections 0 Support 0 Petition of Objection 0 Support Petitions
 OPINION **REFUSAL**

- 1 The proposal is contrary to Policies CTY 1 and CTY 5 of Draft Planning Policy Statement 14 - Sustainable Development in the Countryside, and the accompanying Ministerial Statement and does not merit being considered as an exceptional case in that the proposal intends to replace a semi-detached dwelling and the proposed replacement dwelling is not sited in situ or attached to the existing development.

Deferred by Planning Service pending consideration of the review relating to refusals under draft PPS 14.

ITEM NO 23
 APPLIC NO D/2007/0193/O Outline Date Valid 16/04/2007
 APPLICANT Mr R Shaw
 APPLIC ADDRESS C/o George Shaw, 19 Sandmount Park, Galgorm, Ballymena, BT42 1DS
 LOCATION 10 Tullaghans Road, Ballymoney
 PROPOSAL Site for replacement 2 storey dwelling & detached domestic garage
 REPRESENTATION 0 Objections 0 Support 0 Petition of Objection 0 Support Petitions
 OPINION **REFUSAL**

- 1 The proposal is contrary to Policies CTY 1 and CTY 5 of Draft Planning Policy Statement 14: Sustainable Development in the Countryside, and the accompanying Ministerial Statement and does not merit being considered as an exceptional case in that the proposed replacement dwelling is not sited within the established curtilage of the existing dwelling and would have a significantly greater visual impact. Also, it has not been demonstrated that the property is, or was last lawfully used as a dwelling house therefore the residential use has been abandoned.
- 2 The proposal is contrary to Policy CTY 10 of Draft Planning Policy Statement 14: Sustainable Development in the Countryside, and the accompanying Ministerial Statement in that the proposed dwelling is a prominent feature in the landscape and the proposed site and access lacks long established natural boundaries and is unable to provide a suitable degree of enclosure for the building to integrate into the landscape.

Deferred by Planning Service pending consideration of the review relating to refusals under draft PPS 14.

ITEM NO	24				
APPLIC NO	D/2007/0186/O	Outline	Date Valid	17/04/2007	
APPLICANT	Mr & Mrs Mc Cahon				
APPLIC ADDRESS	197 Finvoy Road, Ballymoney, BT53 7JS				
LOCATION	Adjacent to 197 Finvoy Road, Ballymoney				
PROPOSAL	Site for bungalow incorporating existing garage to become part of dwelling.				
REPRESENTATION	0	Objections 0	Support	0	Petition of Objection 0 Support Petitions
OPINION	REFUSAL				

- 1 The proposal is contrary to Policy CTY1 of Draft Planning Policy Statement 14, Sustainable Development in the Countryside and the accompanying Ministerial Statement in that there is a presumption against development throughout the countryside and it does not merit being considered an exception to the policy nor are there any overriding reasons why this development is essential and could not be located within a settlement.
- 2 CTY12 - ribbon development

Deferred by Planning Service pending consideration of the review relating to refusals under draft PPS 14.

ITEM NO **25**
APPLIC NO D/2007/0200/RM Reserved Date Valid 20/04/2007
APPLICANT Mr & Mrs Logan
APPLIC ADDRESS C/o Market Studio, 14 Market Road, Ballymena, BT43 6EL
LOCATION Rear of 60 Galdanagh Road, Dunloy
PROPOSAL Site of dwelling and garage.
REPRESENTATION 0 Objections 0 Support 0 Petition of Objection 0 Support Petitions
OPINION **REFUSAL**

- 1 The proposal is contrary to Policy CTY10 of Draft Planning Policy Statement 14, Sustainable Development in the Countryside, and the accompanying Ministerial Statement in that the ancillary garage is not domestic in scale and does not integrate with its surroundings.
- 2 Contrary to Policy CTY 10 of Draft PPS14 Sustainable Development in the Countryside in that the design of the proposed dwelling is inappropriate for the site and its locality and therefore would not integrate into this area of the countryside.

Deferred by Planning Service pending consideration of the review relating to refusals under draft PPS 14.

ITEM NO **29**
APPLIC NO D/2007/0231/O Outline Date Valid 04/05/2007
APPLICANT Mr Reid
APPLIC ADDRESS C/o GM Design Associates, 22 Lodge Road, Coleraine, BT52 1NB
LOCATION 71 Culcrum Road, Cloughmills
PROPOSAL Site for replacement dwelling
REPRESENTATION 0 Objections 0 Support 0 Petition of Objection 0 Support Petitions
OPINION **APPROVAL**

Planning Service advised that this application has been considered under PPS14 but will be held for two weeks to enable the applicant to consider application under a more suitable policy.

APPLICATIONS DEFERRED FROM PREVIOUS MEETING**ITEM NO D 1**

APPLIC NO D/2006/0268/O Outline Date Valid 23/05/2006
 APPLICANT Mr & Mrs Edgar
 APPLIC ADDRESS 254 Lisnahunshin Road, Rasharkin, BT44 8RB
 LOCATION 100m N.E of 254 Lisnahunshin Road, Rasharkin
 PROPOSAL Site for dwelling & domestic garage.
 REPRESENTATIONS 0 Objections 0 Support 0 Petition of Objection 0 Support Petitions
 OPINION **REFUSAL**

- 1 The proposal is contrary to Policy CTY1 of Draft PPS 14, Sustainable Development in the Countryside and the accompanying Ministerial Statement, and does not merit being considered as an exceptional case, as the stated need for this dwelling does not justify a relaxation of the strict planning controls in the countryside.

Deferred by Planning Service pending consideration of the review relating to refusals under draft PPS 14.

ITEM NO D 2

APPLIC NO D/2006/0302/F Full Date Valid 14/06/2006
 APPLICANT Mrs H Logan
 APPLIC ADDRESS 4 Knockbracken Way, Coleraine, BT52 1XL
 LOCATION Approx. 325m south west of No.10 Feigh Road, Stranocum, Ballymoney
 PROPOSAL Erection of traditional cottage with detached garage (re-advertisement - amended proposal).
 REPRESENTATIONS 0 Objections 0 Support 0 Petition of Objection 0 Support Petitions
 OPINION **REFUSAL**

- 1 Insufficient case of need (PPS14 CTY1)

Deferred by Planning Service pending consideration of the review relating to refusals under draft PPS 14.

ITEM NO D 3

APPLIC NO D/2006/0533/F Full Date Valid 03/11/2006
 APPLICANT Veragh Development Ltd
 APPLIC ADDRESS C/o Bell Architects Ltd, 76 Main Street, Ballymoney, BT53 6AL

LOCATION 5 & 7 Market Street, Ballymoney
 PROPOSAL Erection of 14 No. apartments and associated car parking.
 REPRESENTATIONS 0 Objections 0 Support 0 Petition of Objection 0 Support Petitions
 OPINION APPROVAL

The Planning Officer advised that amendments have been received which overcome Roads Service Issues (re-location of car park) and that the Department is now able to approve the application.

ITEM NO D 4

APPLIC NO D/2007/0039/O Outline Date Valid 23/01/2007
 APPLICANT Mr H Mc Alister
 APPLIC ADDRESS C/o R. Robinson & Son's, Albany Villas, 59 High Street, Ballymoney,
 BT53 6BG

LOCATION 7 Vow Road, Ballymoney
 PROPOSAL Erection of replacement dwelling with new garage
 REPRESENTATIONS 0 Objections 0 Support 0 Petition of Objection 0 Support Petitions
 OPINION APPROVAL

The Planning Officer advised the Department's satisfaction that residential use was not abandoned. The Department is now able to approve the application.

Alderman Cousley thanked the Planning Service for their decision in this matter.

APPEAL DATES NOTIFIED

ITEM NO 1
 APPLIC NO **D/2004/0631/O** PAC NO **2006/A1205**
 DATE OF HEARING LOCATION
 DATE OF SITE VISIT
 APPLICANT Mr M Mc Donnell
 LOCATION 600m North East of Ballyveely Road, Cloghmills
 PROPOSAL Site of dwelling

Written Representations

ITEM NO **4**
APPLIC NO **D/2005/0948/O** **PAC NO** **2006/A0480**
RESULT OF APPEAL **Dismissed**

APPLICANT Glendun Developments
LOCATION 60m North of 5 Ballyveeley Road, Armoy (site 3)
PROPOSAL Site for Dwelling and Garage

ITEM NO **5**
APPLIC NO **D/2005/0949/O** **PAC NO** **2006/A0481**
RESULT OF APPEAL **Dismissed**

APPLICANT Glendun Developments
LOCATION 60m North of 5 Ballyveeley Road, (site 2) Armoy
PROPOSAL Site for Dwelling and garage

ITEM NO **6**
APPLIC NO **D/2006/0153/O** **PAC NO** **2006/A0702**
RESULT OF APPEAL **Dismissed**

APPLICANT Mr Wilson
LOCATION 60m North of No. 115 Tamlaght Road, Rasharkin
PROPOSAL Site for dwelling

ITEM NO **7**
APPLIC NO **D/2006/0154/O** **PAC NO** **2006/A0703**
RESULT OF APPEAL **Dismissed**

APPLICANT Mr Wilson
LOCATION 130m North West of No. 111 Tamlaght Road, Rasharkin
PROPOSAL Site for dwelling

ITEM NO **8**
APPLIC NO **D/2006/0164/F** **PAC NO** **2006/A0692**
RESULT OF APPEAL **Upheld**

APPLICANT Mr & Mrs Spratt
LOCATION Site 190m West of 89 Garryduff Road, Ballymoney
PROPOSAL Site for dwelling and garage

19.6 D/2005/0617, 0168, 0169, 0170, 0171, 0172/0 – LISCONNAN ROAD, DERVOCK

The Department has written advising Council that it has amended its refusal reasons on files D/2005/0169, 0170, 0171, 0172/0 and in addition has attached these amended refusal reasons to files D/2005/0167 and 0168/0.

19.7 D/2007/0377/F – 64 MARKET STREET, BALLYMONEY

The Department has written acknowledging Council's correspondence relating to the proposal for 5 no dwellings at 64 Market Street and have given their assurance that the issues highlighted by the Director of Borough Services will be fully considered during the processing of the application and that Council will be notified of the outcome of their decision as soon as this is available.

19.8 D/2005/0875/0 – APPEAL ADJACENT TO NO 68 KIRK ROAD, BALLYMONEY

The Department advises that it has withdrawn its reason for refusal on the above appeal, having reviewed the site's planning history and its recognition that the renewal application was submitted before the expiry of a former approval.

19.9 D/2005/0434/0 – EAST OF 77A BREGAGH ROAD, ARMOY

This application, considered by Council in 2006, was deferred pending further information from the applicant's Agent. Attempts to address the issues have been unsuccessful and a further deferral cannot be granted. The deferred application is returned to Council to note whether Council agree or disagree with Planning Service Recommendations. The Department has therefore, in this case, recorded Council's disagreement with their opinion.

19.10 D/2004/0278/F – ADJACENT TO 55 MOYAN ROAD, STRANOCUM

This application was recommended to Council as a refusal in October 2006. Planning Service advise that, having considered additional information submitted, they remain of the opinion to refuse the application.

19.11 APPLICATION FROM LONMIN PLC FOR MINERAL PROSPECTING LICENCE IN RESPECT OF LANDS WITHIN BALLYMONEY BOROUGH COUNCIL AREA.

The Chief Executive circulated to members additional information and maps relating to an application from Lonmin PLC for mineral prospecting covering a wider area than originally proposed. Members were requested to give consideration to the information, which will be tabled for discussion at Council's meeting in October.

19.12 ROADS SERVICE AUTUMN CONSULTATION

It was agreed that representatives from Roads Service be invited to give its Autumn update to Council at its meeting on 19th November at 6.00 pm.

This being all the business, the meeting closed at 8.35 pm.

Appendices:

Appendix 1 – Presentation by Social Security Agency

APPENDIX 1



Presentation to
Ballymoney District C