

BALLYMONEY BOROUGH COUNCIL

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BALLYMONEY BOROUGH COUNCIL

Minutes of Consultation Committee Meeting No 32, held in the Council Chamber, Riada House, Ballymoney on Monday 17th November at 2.00 pm.

IN THE CHAIR Alderman H Connolly

PRESENT

Aldermen
F Campbell
J Simpson

Councillors
A Cavlan
M McCamphill
A Patterson
E Robinson
I Stevenson

APOLOGIES

Councillors
B Kennedy
J Finlay, Mayor
R Wilson

IN ATTENDANCE

Chief Executive
Head of Corporate & Development Services **(Item 9)**
Committee Clerk

Roads Service (Item 2)
M Glover, Strategic Road Improvements Manager
A Hunter, Section Engineer

DoE Planning Service (Items 3-4)
G McClelland

Press

32.1 APPOINTMENT OF TEMPORARY CHAIR

In the absence of Councillor Wilson, Chair and Councillor Kennedy, Vice Chair of Committee, the Chief Executive requested nominations for the appointment of a temporary Chair of the meeting.

It was proposed by Councillor McCamphill, seconded by Councillor Cavlan and
AGREED:

that Alderman Connolly be elected as temporary Chair of the Consultation Committee Meeting No 32.

Alderman Connolly assumed the Chair.

* **Alderman Cousley arrived at 2.05 pm.**

32.2 ROADS SERVICE AUTUMN PRESENTATION

Alderman Connolly welcomed representatives from DRD Roads Service to the meeting to present their 2008-09 Autumn report, a copy of which was circulated at the meeting.

The main purpose of the report is to give an update on the progress and to consult Council about priorities for 2009/2010 programmes before they are finalised.

There has been an increase in the finance available for improvement schemes on the road network. The Division does however continue to get many requests for all types and sizes of improvement schemes, so priorities still have to be set. Accident reduction, encouraging the use of transport other than the private car and meeting establishment traffic and pedestrian needs attract a high priority rating.

The operation of a preparation pool of major schemes, without a funding commitment, is allowing the Division to take some important major schemes on the strategic route network through the statutory processes and to be in a good position to proceed when funding is confirmed. The report includes details of work that is being undertaken on major schemes.

Roads Service continues to give a high priority to the maintenance of the existing network. However, the funding available to Roads Service for maintenance activities this year is less than last year and together with a large backlog of maintenance work, means that it is unable to carry out as much resurfacing and maintenance work as is required to maintain and upgrade the road network in accordance with good practice standards. Division will continue to make the best use of funding available.

Mr Glover dealt with the various sections of the report covering roads maintenance, minor works schemes, traffic management measures, highway structures, street lighting, major works schemes, development control statistics and an update on the Northern Area Plan.

The Roads Service Officials then responded to a range of questions on the schemes included in the report and noted those requiring further investigation. A number of specific issues were represented to Roads Service. These included.

- Excessive Speeding at Bush Valley Primary School
- Damage and Debris at Corkey Road
- Widening of Footpath at Dunloy Corner and Ramps on Main Street
- Access to A26 from Dervock Road and Kirk Road

Thanks were extended to Roads Service for a number of schemes completed.

The Chairman thanked Mr Glover and Mr Hunter for their report and attention to the concerns and questions listed and they left the meeting at 2.50 pm.

32.3 MINUTES OF MEETING NO 31 – 20TH OCTOBER 2008

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

that the minutes of Meeting No 31 – 20th October 2008, as circulated, be confirmed as a correct record.

32.4 PLANNING APPLICATIONS

Planning Applications 1-39 and 1-7 (deferred) were considered and the opinion of the Planning Service accepted except where stated otherwise.

Applications pertaining to PPS14 remain in abeyance pending the outcome of the judicial review with the following options applicable.

1. Written request may be submitted by the applicant for the application to be brought forward for refusal.
2. Further information may be supplied to enable Planning Service to reconsider for approval.
3. Application may sit until finalisation of review.

ITEM NO **13**

APPLIC NO D/2008/0263/F Full Date Valid 27/05/2008

APPLICANT Jmf Limited

APPLIC ADDRESS C/O Agent

LOCATION 10 Riada Avenue, Ballymoney

PROPOSAL Extension to existing colorcote factory and yard area to North East of existing factory.

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

OPINION APPROVAL

Councillor Robinson thanked the Department for their decision to approve this application. At the request of Alderman Simpson, the Planning Officer will clarify the location of the proposal in relation to the existing boundary of the factory.

A discussion ensued relating to the use of commercial property for residential development. Councillor Cavlan and Councillor Stevenson concurred with Alderman Simpson, stating the importance of retaining commercial property to induce commerce into the town.

ITEM NO **16**

APPLIC NO D/2008/0315/O Outline Date Valid 30/06/2008

APPLICANT Mr T Mckeown

APPLIC ADDRESS C/o Hunter Associates, 8 Charlotte Street, Ballymoney, BT53 6AY

LOCATION 83 & 85 Park View, Ballymoney

PROPOSAL Proposed demolition of existing dwellings to provide new housing development with private lands & public amenity area

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

OPINION REFUSAL

- 1 PPS7 - fails to provide quality residential environment
- 2 Means of access to public road not indicated
- 3 Unsatisfactory access arrangements

The Planning Officer advised that this application has been withdrawn.

ITEM NO 17
APPLIC NO D/2008/0352/F Full Date Valid 23/07/2008
APPLICANT Mr F Mc Tague
APPLIC ADDRESS 97 Bann Road, Rasharkin, BT44 8SZ
LOCATION 97 Bann Road, Rasharkin
PROPOSAL Proposed alterations to dwelling and rear extension to provide working kitchen on ground floor with 1 bedroom above
REPRESENTATION 1 **Objections**0 Support 0 Petition of Objection 0 Support Petitions
OPINION **REFUSAL**

- 1 The proposal is contrary to Policies CTY1 and CTY5 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 as; 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 Contrary to PPS6 (Policy BH15 - Re-use of non-listed vernacular buildings)

Objection relates to: **Adverse environmental impact, traffic impact, inadequate visibility splays, residential use abandoned.
Work has taken place to return property to residential use.**

Councillor Stevenson, in the absence of Councillor Wilson, proposed that Council accept the decision of the Department to refuse the application.

At the request of Councillor Cavlan, the Planning Officer advised that no planning history exists on the site. There were no Roads Service issues.

It was proposed by Councillor Cavlan, seconded by Councillor McCamphill and **AGREED:**
that a request for an office meeting be recorded.

The application will be held pending the outcome of PPS14.

ITEM NO 35
APPLIC NO D/2008/0441/F Full Date Valid 24/09/2008
APPLICANT Mr G Forsythe
APPLIC ADDRESS 163 Corkey Road, Loughgiel, Ballymena, BT44 9JQ
LOCATION 300 metres south of 163 Corkey Road Loughgiel
PROPOSAL 2 storey farm dwelling and garage

REPRESENTATION 0 Objections 0 Support 0 Petition of Objection 0 Support Petitions
 OPINION **REFUSAL**

1 Contrary to Policies CTY1 and CTY2 of PPS14 (Draft) - insufficient case of need

Alderman Connolly requested that the applicant be granted an office meeting.

The Planning Officer advised that there are two existing dwellings and three approvals on the holding. Alderman Connolly gave background information on the site, stating that the occupiers are family members. DRD officially inspected it and have agreed the need for a second farmhouse based on the level of livestock housed. He requested that an office meeting be granted in this instance. Councillor Stevenson and Alderman Campbell endorsed Alderman Connolly's request.

The Planning Officer agreed to ascertain from the Principal Planning Officer whether an office meeting could be granted.

ITEM NO 36

APPLIC NO D/2008/0447/F Full Date Valid 29/09/2008
 APPLICANT Barnvale Homes
 APPLIC ADDRESS C/o Bell Architects Ltd, 65 - 67 Main Street, Ballymoney, BT53 6AN
 LOCATION 26A, 26B, 26C & 26D Garryduff Road Ballymoney
 PROPOSAL Retrospective planning permission for 4 single garages at 26A, 26B, 26C & 26D Garryduff Road Ballymoney
 REPRESENTATION 0 Objections 0 Support 0 Petition of Objection 0 Support Petitions
 OPINION APPROVAL

At the request of Alderman Simpson, the Planning Officer clarified the Department's policy relating to retrospective applications, stating that such decisions are based on existing planning policies.

APPLICATIONS DEFERRED FROM PREVIOUS MEETING

ITEM NO D 1

APPLIC NO D/2007/0235/O Outline Date Valid 10/05/2007
 APPLICANT Messrs Harkness, O'Kane & Barkley
 APPLIC ADDRESS C/o MKA Planning, 15 Harper's Quay, Spencer Road, Londonderry, BT47 6AE
 LOCATION Parts of lands at no. 25 Ballymena Road, Ballymoney

PROPOSAL Site for 6 no. B1 Business Units (1,000 sq. metres in total) and associated parking.

REPRESENTATIONS 0 Objections 0 Support 0 Petition of Objection 0 Support Petitions

OPINION APPROVAL

The Planning Officer advised that further information was submitted addressing Roads Service concerns. The proposal is within development limit and can now be approved.

ITEM NO D 2

APPLIC NO D/2007/0279/F Full Date Valid 05/06/2007

APPLICANT Mr D Millar

APPLIC ADDRESS 96 Avonbrook, Mountsandel Road, Coleraine

LOCATION Adjacent to no. 30 Ballindreen Road, Ballybogey

PROPOSAL Retention of replacement joinery/workshop/stores

REPRESENTATIONS 0 Objections 0 Support 0 Petition of Objection 0 Support Petitions

OPINION APPROVAL

The Planning Officer advised that the applicant is able to demonstrate that the business has operated from this site for over 10 years.

ITEM NO D 3

APPLIC NO D/2007/0326/O Outline Date Valid 02/07/2007

APPLICANT Reid Properties

APPLIC ADDRESS C/o GM Design Associates, 22 Lodge Road, Coleraine, BT52 1NB

LOCATION 254 & 256 Frosses Road, Cloughmills

PROPOSAL Redevelopment of existing commercial complex with a replace. filling station and ancilliary shop, a 2 storey replacement building including a ground floor public house, off licence, licensed restaurant and 10 first floor guest bedrooms with car parking, service areas and landscaping.

REPRESENTATIONS 0 Objections 0 Support 0 Petition of Objection 0 Support Petitions

OPINION APPROVAL

Further information was submitted to address the concerns of Roads Service and NI Water resulting in approval of the application. Alderman Connolly thanked the Department on behalf of the applicant for approval.

ITEM NO D 4

APPLIC NO	D/2007/0552/F	Full	Date Valid	22/10/2007
APPLICANT	Mr K Rogan			
APPLIC ADDRESS	228 Finvoy Road, Ballymoney, BT53 7JT			
LOCATION	Lands opposite 10 Main Street, Rasharkin.			
PROPOSAL	7 duplex apartments consisting of a 2 storey block with associated parking and landscaping.			
REPRESENTATIONS	0	Objections	0	Support
	0	Support Petitions		0
OPINION	APPROVAL			
			Petition of Objection	

The Planning Officer advised that the proposal has been reduced from 9 dwellings in two blocks to 7 dwellings in one block. Environmental Health and Roads Service issues have also been resolved.

ITEM NO D 5

APPLIC NO	D/2007/0616/F	Full	Date Valid	20/11/2007
APPLICANT	M G Developments Ltd			
APPLIC ADDRESS	C/o MI Architects, Rathgael Chambers, 10 The Diamond, Coleraine, BT52			
	1DE			
LOCATION	Lands at 3 Heagles Road Ballybogey			
PROPOSAL	1 detached dwelling and 4 semi-detached dwellings.			
REPRESENTATIONS	0	Objections	0	Support
			0	Petition of Objection
				0
OPINION	APPROVAL			
				0 Support Petitions

The Planning Officer advised that the proposal has been reduced from 7 to 5 dwellings and that parking issues have been addressed.

ITEM NO D 6

APPLIC NO	D/2007/0658/F	Full	Date Valid	11/12/2007
APPLICANT	Mr R Pollock			
APPLIC ADDRESS	C/o 2020 Chartered Architects, 9a Linenhall Street, Ballymoney, BT53 6DP			
LOCATION	136m SE of 14 Bendooragh Road Ballymoney			
PROPOSAL	Proposed wind turbine (Total height 82 metres)			
REPRESENTATIONS	0	Objections	0	Support
			0	Petition of Objection
				0
OPINION	REFUSAL			
				0 Support Petitions

- 1 The proposal is contrary to Policy PSU12 of the Department's Planning Strategy for Rural Northern Ireland and Draft PPS18 Renewable Energy in that the development is not of an appropriate domestic scale and is out of keeping with the character of the rural area.
- 2 The proposal is contrary to Policy PSU12 of the Department's Planning Strategy for Rural Northern Ireland and Draft PPS18, Renewable Energy in that the development would, if permitted, be visually intrusive within the landscape and character of the area by reason of its inappropriate scale.

The Department remain of the opinion to refuse the application.

At the request of Alderman Campbell, the Planning Officer agreed to hold the application for one week to enable the applicant to submit further information.

ITEM NO D 7

APPLIC NO	D/2008/0096/RM	Reserved	Date Valid	19/02/2008
APPLICANT	Mr & Mrs J Mc Grath			
APPLIC ADDRESS	121 Tullaghans Road, Dunloy, BT44 9EA			
LOCATION	Site adjacent to 115 Tullaghans Road, Dunloy			
PROPOSAL	New dwelling & garage			
REPRESENTATIONS	0	Objections	0	Support
OPINION	APPROVAL		0	Petition of Objection
			0	Support Petitions

Councillor McCamphill thanks the department for their decision to approve this application.

APPEAL DECISIONS NOTIFIED

ITEM NO 1

APPLIC NO	D/2005/0636/O	PAC NO	2006/A1808
RESULT OF APPEAL	Withdrawn		
APPLICANT	Mr Mc Mullan		
LOCATION	Site adjacent to No. 1 Lisheegan Road, Ballymoney		
PROPOSAL	Proposed builders yard		

ITEM NO 2

APPLIC NO	D/2005/0940/O	PAC NO	2007/A0208
RESULT OF APPEAL	Withdrawn		
APPLICANT	Mr Henry		

LOCATION Adjacent to no 1 Shanaghy Road, Ballymoney
 PROPOSAL Site for one and a half Storey Dwelling

Date of Office Meetings: Tuesday, 2nd December 2008 at 9.00 am (Cramsie Room, Town Hall.

32.5 PLANNING SERVICE – NI DIRECT PROJECT

Correspondence has been received from Planning Service detailing the imminent roll-out of the NI Direct Project within Planning Service which will come into operation with effect from 31st October 2008.

The arrangements are being introduced under a new customer contact service, known as NI Direct, which aims to improve how customers and the wider public can access government information and services.

A pilot project for managing calls has been operating in Planning Service Belfast Divisional Planning Office. In light of positive feedback received from the pilot Planning Service are introducing similar customer contact arrangements across all their Divisional Planning Offices under NI Direct.

From 31st October, a new single three-digit telephone number, 101, will be used to telephone all Divisional Offices and Development Control Sections. Calls dialled to 101 will be handled by NI Direct agents who have been trained to resolve as many calls as possible, at first point of contact.

If a NI Direct agent is unable to resolve a query immediately and the call is from an Elected Representative or consultee of Planning Service, the call will be transferred to the relevant Divisional Planning Office. For all other calls the caller will be provided with a call reference number and a member of Planning Service will respond within 2 working days.

From 31st October telephone calls made to Planning Service direct line will be automatically routed to 101 NI Direct.

The new customer services aims to improve how Planning Service manage and respond to telephone enquiries more effectively and efficiently.

At the request of Councillor Robinson, the Planning Officer will clarify that the new number will facilitate calls from members directly to Planning Officers.

The Chief Executive advised members of correspondence recently received from Planning Service advising of initial technical difficulties and stating that the system will

remain under review. Reassurance was given that action will be taken to ensure that new customer contact arrangements are implemented effectively. A copy of the correspondence will be circulated to members for their information.

* **The Planning Officer left the meeting at 3.30 pm.**

32.6 APPEALS

Notice has been received that the Department's case for Article 32 Appeal, Mr Stephen McAuley, Dwelling and Garage Adj 22 Vow Road, Ballymoney is due to be submitted on 24th November.

32.7 NILGA / DOE PLANNING AWAY DAY

NILGA and DoE Planning Service has invited the Chief Executive and one elected member from Council to a joint Planning Away Day on Thursday 18th December 2008 in Armagh City Hotel.

This event will be an important stepping stone to facilitate local government and central government to work together in this crucial time of change.

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

that Councillor Robinson be nominated to attend the Away Day on Thursday, 18th December 2008 in Armagh City Hotel, with the Chief Executive.

32.8 COUNCIL/COMMITTEE TIMETABLE 2009

A draft timetable of meetings for the calendar year 2009 was circulated. Where meetings fall on public holidays it is practice to meet on the following day. These dates are highlighted in red on draft timetable.

It was **AGREED:**

that the schedule of meeting dates, attached as appendix 1, be approved.

32.9 TRANSITION COMMITTEES

This matter was deferred from the Council's meeting on 3rd November in view of a forthcoming meeting of Chief Executives from all 26 Councils to discuss the operation of the Transition Committees and Management Groups.

Report and recommendations by Chief Executive on Transition Committee were circulated together with a Report on Transition Committees and Management Teams Guidance, including the guidance document issued by DOE (tabled at Council's meeting on 3rd November 2008).

Recommendations included in the report on Transition Committees are:

1. Council resolves to form a Joint Committee to carry out the functions of the Transition Committee and apply to DoE to have the Transition Committee established as a body corporate;
2. The Transition Committee has four members from each council i.e. a total of sixteen, the maximum size possible since this cluster has the greatest number of councils;
3. The term of appointment is for the duration of the Transition Committee i.e. until the fourth day after the election in May 2011 to the new Councils;
4. Councillors are nominated based on "existing political strength" i.e. based on current numbers of party members and independents and are agreed at this meeting.

As no system of proportionality is specified it is suggested that there are two methods which are suitable: allocate seats in direct proportion to party strengths (Table 1) or use the d'Hondt formula (Table 2).

Table 1 – Directly proportionate to party strengths

Party	DUP	SF	UUP	SDLP	TUV	Independent	Total
Seats on council	7	3	2	2	1	1	16
Seats on TC	$7 \times 4/16$ =1.75	$3 \times 4/16$ =0.75	$2 \times 4/16$ = 0.5	$2 \times 4/16$ = 0.5	$4/16$ =0.25	$4/16$ =0.25	4
Rounded	2	1	0*	0*	0	0	3*

*UUP and SDLP are equal and nearest to a whole number, so one of them gets the last seat; there is no prescribed method for choosing which one.

Table 2 – d'Hondt formula.

Party	DUP	SF	UUP	SDLP	TUV	Independent	Total
Seats on council	7	3	2	2	1	1	16
Seats on TC	3	1	0	0	0	0	4

In making nominations, Council is reminded of the requirement of the guidance note that “Members appointed to Transition Committees should have the time, capacity and commitment to contribute effectively to the development of the new Councils.” It should also be aware that there will be a heavy workload on this committee and it is likely some meetings will be held in daytime.

9.1 System of Nomination of Members

It was proposed by Alderman Campbell, seconded by Councillor Stevenson

that the d’Hondt formula as set out in table 2 be used to identify members of the Joint Committee to carry out the functions of the Transition Committee.

Alderman Simpson expressed his dissatisfaction stating that the d’Hondt system discriminates totally against small parties. He expressed the view that the matter be deferred until Council’s meeting on 1st December to provide an opportunity to ascertain a fairer system of nomination.

Councillor McCamphill said that although proportionality would have been a fairer system, he did not believe there is a possibility of deviation from the d’Hondt system.

The Chief Executive said that although guidance has been received from the Department, the Department has no legal powers to give direction.

Councillor Cavlan expressed dissatisfaction at the use of the d’Hondt system stating that Council have rarely used this method. She expressed the view that this was done to keep SF members out of positions and that table 1 should be used in accordance with previous occasions. She stated that it was unfair to switch to the d’Hondt system, which is not representative of the two other parties (SDLP and UUP).

Councillor Robinson referred to the fact that this particular group of Councils is in a unique situation in view of the amalgamation of four Councils. She stated that d’Hondt is a formula that is acceptable and put together to facilitate councils in Northern Ireland and that it is the decision of each party to use d’Hondt if it is their choice.

A vote was taken on Alderman Campbell’s motion:

Table 2 (d’Hondt formula)

FOR	AGAINST
4	5

The motion was declared as lost.

It was proposed by Councillor Cavlan, seconded by Councillor McCamphill

that table 1 – directly proportionate to party strengths, be used to identify members of the Joint Committee to carry out the functions of the Transition Committee.

A vote was taken on Councillor Cavlan's motion

Table 1 (directly proportionate to party strengths)

FOR	AGAINST
5	4

The Chairman declared the motion carried and that table 1 be used.

Councillor Robinson stated that her party had considered two systems that were put on the table. She stated that her party accepted the vote but could not accept any reference that by favouring the d'Hondt system, the party were trying to take advantage of any other party in the Council.

9.2 Nomination for 4th Seat on Committee

Alderman Simpson, referring to percentage figures of first preference votes for UUP and SDLP indicated that with 15.1% of votes, the UUP were entitled to the remaining seat.

The Chief Executive confirmed first preference votes for members' information. It was proposed by Councillor Patterson, seconded by Alderman Simpson

that a representative from the UUP be nominated to sit on the Joint Committee.

It was proposed by Councillor Cavlan, seconded by Councillor McCamphill

that Councillor McCamphill be nominated to sit on the Joint Committee.

A vote was taken with the UUP receiving 4 votes and Councillor McCamphill receiving 3 votes.

The Chair declared that the remaining seat on the Joint Committee be allocated to a member of the UUP.

At the request of the Chief Executive, the parties will advise the names of their nominee. The first meeting of committee is likely to take place on 12th December 2008.

9.3 Number of Members

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

that the Transition Committee will consist of four members from each Council.

9.4 Term of Appointment

It is proposed that the Term of appointment is for the duration of the Transition committee ie until the fourth day after the election in May 2011 to the new Councils.

Councillor Cavlan suggested that this could be reviewed after one year. The Chief Executive stated that whilst no guidance has been given, this would be acceptable.

Councillor Robinson reiterated the importance that members consider the time and commitment necessary to undertake the work involved.

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

that the term of the appointment is for the duration of the Transition Committee ie until the fourth day after the election in May 2011 to the new Councils.

9.5 Formation of a Joint Committee

It was proposed by Alderman Simpson, seconded by Councillor Cavlan and
AGREED:

that a Joint Committee be formed to carry out the functions of the Transition Committee and that an application be made to DoE to have the Transition Committee established as a body corporate.

- * The Head of Corporate & Development Services arrived during the discussion at 3.40 pm.

32.10 PROPOSED MORTGAGE RESCUE SCHEME FOR NORTHERN IRELAND

The Department for Social Development has issued a consultation regarding a proposed mortgage rescue scheme for Northern Ireland. NILGA have summarised the key points of this consultation, as circulated, together with the corresponding questions within the consultation. NILGA invite Council's overall view on the proposals to enable a local government response to be submitted. The closing date for this consultation is Monday 24th November and NILGA would be pleased to receive Council's opinion by Wednesday 19th November to allow time to draft a cohesive response. No comments were offered.

32.11 NI HOUSING EXECUTIVE – CORPORATE PLAN

The Housing Executive has invited comments on what subjects its next plans, 2009-10, should cover by 26th November. A brief list of topics was circulated. Council is invited to comment on these and add any additional topics, which it is considered should be covered. The second phase of the consultation will be at the end of January 2009 when the draft plan will be published.

The meeting closed at 4.15 pm

Appendices attached

Appendix 1 Council/Committee Meeting Timetable 2009

APPENDIX 1

**COUNCIL/COMMITTEE MEETING
TIMETABLE**

2009

