

Ballymoney Borough Council

Health & Environmental Services Committee Meeting No 340 – 27th May 2008

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BALLYMONEY BOROUGH COUNCIL

Minutes of Health & Environmental Services Committee Meeting No 340 held in the Council Chamber, Riada House, Ballymoney on Tuesday 27th May 2008 at 7.00 pm.

IN THE CHAIR Councillor E Robinson

PRESENT

Aldermen
F Campbell
C Cousley

Councillors
J Finlay
B Kennedy
P McGuigan
T. McKeown
A Patterson
I Stevenson

APOLOGIES

Aldermen
H Connolly

Councillor
M McCamphill

IN ATTENDANCE Director of Borough Services
Committee Clerk
Alderman J Simpson

340.1 MINUTES – MEETING NO 339 – 22ND APRIL 2008

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

to recommend that the minutes of Meeting No 339 – 22nd April 2008, as circulated, be confirmed as a correct record.

MATTERS FOR CONSIDERATION**ENVIRONMENTAL SERVICES****340.2 NWRWM GROUP JOINT COMMITTEE**

At meeting HES335 on 19th December 2007, draft documentation namely
(1) Memorandum of Understanding, (2) Rules under a Memorandum of
Understanding and (3) Standing Orders, relating to the establishment of a Council

Joint Committee comprising the NI district councils making up both the North West Regional Waste Management Group and the Southern Waste Management Partnership which would oversee the procurement of necessary waste infrastructure to enable the constituent councils to meet their NILAS targets from 2012 onwards was considered by Committee. The following recommendations were made to Council – that Council

- (a) agree to sign and seal the Memorandum of Understanding between NWRWM Group and SWaMP; and
- (b) appoint Councillor John Finlay and Councillor Evelyne Robinson to represent Council on the NWRWMG/SWaMP Joint Committee.

Council adopted the above recommendations at its meeting on 7th January 2008 (Minute CM 871.8.2 refers).

At meeting HES338 on 27th March 2008, Members were advised that as Member Councils in the SWaMP region now wished to incorporate that, in order to avoid further delays, it would be necessary to split the proposed waste infrastructure procurement project and for the NWRWMG to continue alone with the draft documentation agreed previously being amended to remove all references to SWaMP and its constituent councils and same prepared for signing and sealing by Member Councils of the NWRWMG.

The necessary changes have now been made to –

1. The Memorandum of Understanding relating to a Joint Venture between the NWRWMG Partners;
2. NWRWMG Rules Under a Memorandum of Understanding of NWRWG and
3. NWRWMG Joint Committee of Council Standing Orders.

IT IS RECOMMENDED that Council –

- (a) agree to sign and seal the Memorandum of Understanding relating to the North West Region Waste Management Group Joint Committee of Council; and
- (b) note that Councillor J. Finlay and Councillor E. Robinson represent Council on the NWRWMG Joint Committee.

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

- (a) agree to sign and seal the Memorandum of Understanding relating to the North West Region Waste Management Group Joint Committee of Council; and**
- (b) note that Councillor J. Finlay and Councillor E. Robinson represent Council on the NWRWMG Joint Committee.**

* **Councillor McGuigan arrived at 7.10 pm.**

340.3 REVIEW OF NORTHERN IRELAND LANDFILL ALLOWANCE SCHEME (NILAS) REPORT

The DoE Landfill & Producer Responsibility Planning & Environmental Policy Group advised on 19th May 2008 that its report on the Review, the Department had commenced in January 2008 of the NI Landfill Scheme had issued.

The Review report contains the following eleven recommendations –

Guidance

- 1)** P&EPG and EHS should update guidance currently available to incorporate all ad hoc guidance and policy issued over the last eighteen months and should consider presenting all guidance in a composite format.

Reporting of waste information/final destination data.

- 2)** The protocols regarding the reporting of waste information should remain unchanged. Clarification concerning the information to be provided in respect to the final destination of waste data should be provided by the Department.

Implementation Steering Group (ISG)

- 3)** The modus operandi of the ISG should be maintained. The Group should continue to meet as before with unchanged terms of reference.

Trading

- 4)** The existing arrangements concerning the transfer of landfill allowances should remain unchanged, ie free of charge and administered by the Councils, WMGs and the EHS.
- 5)** Internal trading of landfill allowances within N Ireland should not be introduced.
- 6)** The Department should consider bringing forward amending regulations, following the first target year of the Scheme, to introduce trading between N Ireland and other regions within the UK. The Department should also consider introducing banking as part of these amending regulations.

Allocation of allowances

- 7)** No change should be made to existing landfill allowances in advance of any re-allocation of allowances as a result of the RPA.

Review of Public Administration (RPA)

- 8)** The Department should consider the findings of the RPA particularly the impact of any changes recommended by the boundary commission on existing district council boundaries and the implications of these changes on landfill allowance

allocations.

NI Waste Compositional Study (WCS)

- 9) The Department should make legislation, coming into effect from 1st April 2009, to implement the findings of the recent WCS.

Home Composting

- 10) The Department should continue to monitor closely the ongoing discussions in GB concerning the development of a robust home composting diversionary model.

Definition of Waste

- 11) The Department should consider developments in GB regarding any changes in the WET Act concerning the definition of waste.

IT IS RECOMMENDED that Council note the DoE NI Landfill Allowance Scheme Review Report Recommendations.

A discussion ensued relating to the outcome of RPA and the impact of any changes on opportunities to trade landfill allowance allocations with other Councils. At the request of Councillor Kennedy, the Director of Borough Services explained the advantages to trading and the situation in the interim period prior to the introduction of legislation.

Following discussion, it was further **RECOMMENDED** by the Director of Borough Services that Council ought to write to the Minister for the Environment seeking her assurance that the DoE would introduce the required legislation by 1st April 2009.

* **Councillor Finlay joined the meeting at 7.25 pm**

It was proposed by Councillor Kennedy, seconded by Councillor Finlay and **AGREED:**

to recommend that Council note the DoE NI Landfill Allowance Scheme Review Report Recommendations and that Council write to the Minister for the Environment seeking her assurance that the DoE would introduce the required legislation by 1st April 2009.

ENVIRONMENTAL PROTECTION

340.4 WATER ABSTRACTION AND IMPOUNDMENT (LICENSING) REGULATIONS (NI) 2006

EHS has advised that the above Regulations came into effect on 1st February 2007. Under the Water (NI) Order 1999 (Article 21) the Department (DoE) is empowered to make provision to recover the cost of processing applications and other expenses

incurred to ensure better water use in Northern Ireland. The EHS consultation paper, as circulated, invites comments on the Department's proposals by 23rd June 2008.

The proposed fees and charges scheme has been developed with the aim of recovering the full costs associated with implementing the legislation. Fees will be subject to annual review in order to ensure that 100% of the costs are recovered year on year. The Director **RECOMMENDED** consideration of the consultation document.

A discussion ensued with Councillor Finlay and Alderman Campbell expressing disagreement with the introduction of charges, particularly for those not connected to mains water supply. Alderman Simpson referred to repercussions to the strata when bore holes are introduced naturally influencing the water level table.

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

to recommend that Council respond to the consultation document expressing dissatisfaction with the proposed fees and charges.

340.5 WATER (NORTHERN IRELAND) ORDER 1999: EFFLUENT CONSENT APPLICATION

EHS Water Management Unit has advised that it has received the undernoted applications:-

Applicant	Location
Patton Homes	6 Main Street, Stranocum, Ballymoney.

The application refers to the discharge of effluent from a package plant to serve 6 proposed homes to a watercourse.

The Director explained the options available to developers for the discharge of effluent and responded to a number of questions from members relating to the provision of septic tanks, their cost effectiveness to the developer and the responsibility for their control by management agreements authorised by water service. Reservations were stated regarding the proposal to install a septic tank to service a development where a number of dwellings replace one single dwelling.

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

that Council write to EHS advising that the use of a septic tank would not be a favoured option and requesting that the matter be further considered.

Applicant	Location
Porthill Developments Limited	2 sites, south & west of 89 Garryduff Road, Ballymoney

The application refers to the discharge of effluent to a waterway.

In that EHS will set levels as to the quality of effluent to be discharged, ***IT IS RECOMMENDED*** that Council note the application.

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

to recommend that Council note the application.

* **Councillor McKeown and Councillor Stevenson arrived at 7.55 pm.**

340.6 LOCAL GOVERNMENT ACTION ON CLIMATE CHANGE

Correspondence from NILGA was received on 20th inst. by the Borough Services Directorate regarding Government Action on Climate Change and was circulated to members at the meeting. Council's response is requested by 20th June 2008 at the latest.

IT IS RECOMMENDED that Committee consider the correspondence and declaration received from NILGA regarding climate change action and make recommendation(s) to Council on the matter.

The Director pointed out that were Council to subscribe to the NI district council declaration proposed by NILGA that this would inevitably have resource implications for Council both finance and people in order to participate in the proposed baseline survey work and action plan preparation and implementation.

In the ensuing discussion a number of Members expressed differing views.

It was proposed by Councillor Kennedy, seconded by Councillor Finlay

to recommend that Council note the correspondence from NILGA.

An amendment to the motion was put forward:

It was proposed by Councillor McGuigan, seconded by Councillor Stevenson

to recommend that an invitation be extended to NILGA representatives to give a presentation to Council on its proposal for Action on Climate Change.

Votes for Amendment proposed by Councillor McGuigan

For	Against
3 votes in favour	5 votes against

The Chair declared the amendment lost.

Votes for Councillor Kennedy's proposal

For

5 votes in favour

Against

4 votes against

The Chair declared Councillor Kennedy's proposal to note the correspondence carried.

* **Councillor McGuigan left the meeting at 8.20 pm**

340.7 CLEAN NEIGHBOURHOOD AGENDA

Documents relating to the following matter were emailed to Council recently.

It is understood that NILGA met with the Minister for the Environment on 10th April to discuss the delay in progressing the Clean Neighbourhoods Agenda in Northern Ireland.

The Minister has requested that NILGA consult with local government to identify would Councils prefer that the entire Clean Neighbourhoods Agenda be progressed by the Department or that a smaller number of priority areas be progressed in advance of the main body of work?

The correspondence received was circulated and NILGA is seeking a response by 6th June 2008.

IT IS RECOMMENDED that Committee consider the matter raised by NILGA and make recommendation to Council.

During the discussion of the matter the Director intimated that were Committee content to support the prioritized work approach, then he would suggest the following three priorities – action on (1) statutory nuisance, (2) noise nuisance, and (3) litter including dog fouling and plastic bags.

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

to recommend that Council respond to NILGA requesting equal consideration to those issues as set out in points (1), (2) & (3) above.

FOOD

340.8 FOOD COMPLAINT NO. FC/805/07/07

This matter was dealt with in committee and is not for publication.

HEALTH & SAFETY

340.9 PETROLEUM (REGULATION) ACTS (NORTHERN IRELAND) 1929 AND 1937 PETROLEUM SPIRIT LICENCE (RENEWAL)

Application has been received for the renewal of petroleum spirit licence as follows:-

Premises

4 Milltown Road
Ballymoney
BT53 6LE

Applicant

Mr Crawford Henderson

IT IS RECOMMENDED that the above premises' licence be renewed.

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

to recommend renewal of licence as detailed.

ENVIRONMENTAL HEALTH

340.10 NIHE CONSULTATION RE. A STRATEGY FOR HOUSES IN MULTIPLE OCCUPATION IN NORTHERN IRELAND

The NI Housing Executive has furnished a consultation document entitled: A Strategy for Houses in Multiple Occupation in Northern Ireland inviting Councils comments by 30th June 2008.

Of particular importance are comments regarding –

- how the Executive might identify HMOs, particularly those occupied by foreign migrant workers;
- its proposals for rolling out the HMO Registration Scheme;
- how the Executive might provide information and advice on rights and responsibilities to HMO tenants and prospective tenants;
- the levels of Registration Scheme Fees and the use of fee income;
- the proposals for amending the HMO Management Regulations and the idea of an Approved Code of Practice for landlords; and
- how the Executive should address issues of anti-social behaviour in areas where HMOs are concentrated.

IT IS RECOMMENDED that Committee consider the matter with the view to making a recommendation to Council.

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

to recommend that Council note NI Housing Executive's consultation document : A Strategy for Houses in Multiple Occupation in Northern Ireland.

340.11 EARTH HOUR EVENT

World Wildlife Fund (WWF) Northern Ireland have written to the Borough Council seeking support for the above event scheduled for March 2009. Earth hour is a simple idea whereby businesses, government and individuals switch off their lights for **one hour** as an action against climate change. The concept was developed by WWF Australia in 2007 and rolled out across the world with 24 Countries taking part this year. Further details may be found at www.earthhour.org.

IT IS RECOMMENDED that Ballymoney Borough Council participate in earth hour 2009.

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

to recommend that Ballymoney Borough Council participate in Earth Hour Event 2009.

340.12 PUBLIC HEALTH (IRELAND) ACT 1878 as amended 89 BENVARDIN ROAD, BALLYMONEY.

Further to a complaint received and a number of inspections officers of this department are satisfied of the existence of a nuisance at the above property arising from conditions prejudicial to health caused by an accumulation of household waste, including putrescible waste.

IT IS RECOMMENDED that an abatement notice be served on owner of the premises under Section 110 of the Public Health (Ireland) Act 1878 as amended with a time period of compliance of 28 days in order to remedy the condition thereat as described above.

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

to recommend that that an abatement notice be served, as detailed above.

LICENSING

340.13 LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) (NORTHERN IRELAND) ORDER 1985 - LICENCE APPLICATION (FULL LICENCE) (RENEWAL)

Premises

The Bridge Bar
145 Bridge Road
Dunloy
BALLYMENA BT44 9EQ

Applicant

Mr Daniel James McFerran

The Village Inn
1 Bellaghy Road
Dunloy
BALLYMENA BT44 9AE

Messrs Patrick and Daniel Dixon

IT IS RECOMMENDED that the Borough Council renew the Indoor Entertainment's Licence as detailed above. In addition to the Borough Council's "Conditions of Licence" adopted on 7th October 1985 the additional conditions detailed on the premise file also apply.

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

to recommend renewal of licences as detailed above.

DOG CONTROL**340.14 DOGS (NORTHERN IRELAND) ORDER 1983****ARTICLE 13 – REGISTRATION OF DOG BREEDING ESTABLISHMENTS**

Application as undernoted has been made to the Borough Council that the premises to which they refer be registered in accordance with the provisions of Article 13 of the Dogs (Northern Ireland) Order 1983 as a dog breeding establishment:-

Applicant

Mrs Ann McNally

Premises

101 Loughabin Road, Dunloy, Ballymena, BT44 9BY.

IT IS RECOMMENDED that the Borough Council register the above-mentioned premises accordingly.

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

to recommend registration of premises as detailed above.

COMMUNITY SAFETY**34015 COMMUNITY SAFETY PARTNERSHIP FUNDING 2008-2011****AGREEMENT OF FUNDING FOR TECHNICAL ASSISTANCE**

The NIO CSU have advised that the level of Technical Assistance funding (salary and administration costs) for the employment of a Community Safety Manager is to increase from £40,000 to £41,000. (See HES minute 338.16). The terms and conditions have now been received. Technical assistance shall only be available in response to written acceptance by Ballymoney Borough Council confirming identity, grade, salary and contract of employment for the Community Safety Manager.

IT IS RECOMMENDED that Ballymoney Borough Council accept Agreement of Funding for Technical Assistance from the Northern Ireland Office Community Safety Unit for the financial years 2008/2009, 2009/2010 and 2010/2011 and that the Chief Executive be delegated to sign the acceptance on behalf of the Borough Council.

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

to recommend that Council (a) accept Agreement of funding for technical assistance as detailed; and (b) that the Chief Executive be delegated to sign the acceptance on behalf of Council.

340.16 COMMUNITY SAFETY PARTNERSHIP FUNDING 2008-2011 AGREEMENT OF FUNDING BETWEEN NIO CSU AND BALLYMONEY COMMUNITY SAFETY PARTNERSHIP

The NIO CSU by letter dated 30th April have advised that the level of funding to be made available to Ballymoney Community Safety Partnership, subject to terms and conditions is as follows:

Financial year 2008-2009 (Year 1)	£35,847
Financial year 2009-2010 (Year 2)	£35,847
Financial year 2010-2011 (Year 3)	<u>£37,617</u>
Total	£109,311

The Community Safety Partnership (CSP) has a number of time bounded key activities to meet as follows:

Assessment and Planning

The CSP Strategic Assessment, detailing the evaluation of the previous Action Plan, relevant consultation data and the agreed Strategic Priorities for the 08-11 periods, must be received by CSU by 1 June 2008.

In addition, Action Plans detailing how the CSP will deliver against these Strategic Priorities for the 08/09 year must also be received by 1 June 2008.

It has been agreed with NIO CSU that these will be submitted by the due date in draft form as there are no scheduled CSP meetings prior to this date.

The Action Plans for the 09-10 and 10-11 financial years must be with CSU by 31 December 2008.

Reporting

Paragraph 4 of the Agreement of Funding outlines the roles and responsibility of the Project Board. The membership of this Board must be notified to CSU on the attached form (Agreement of Funding: Annex A Schedule 2) when accepting this offer of funding. It is the responsibility of this Board to:

1. Ensure compliance with CSU's Financial & Reporting requirements outlined at Appendix 4 of the Agreement of Funding; and
2. Report to CSU, on a bi-annual basis, on the CSP's delivery against its Strategic Objectives.

IT IS RECOMMENDED that the funding agreement be noted by the Ballymoney Borough Council and accepted by the Chairperson and Community Safety Manager on behalf of Ballymoney Community Safety Partnership.

At the request of Councillor Finlay the Director agreed to provide further information at the next Committee meeting as to how NIO had apportioned the money it had received for community safety.

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

to recommend that the funding agreement be noted by the Ballymoney Borough Council and accepted by the Chairperson and Community Safety Manager on behalf of Ballymoney Community Safety Partnership.

HEALTH AND WELL BEING

340.17 MAKE UP OF LOCAL COMMISSIONING GROUPS

The Chief Executive has asked that correspondence received from the British Dental Association NI regarding the make up of local commissioning groups be tabled at the Council's Health & Environmental Services Committee.

The letter received states:-

“BDA is the professional association and trade union for dentists and one of our key roles is to improve the population's oral health. Northern Ireland fares badly in this respect and we have the worst oral health in comparison to the rest of the UK and the Republic of Ireland. This poor oral health affects our people's general health and life chances.

BDA Northern Ireland believes that Michael McGimpsey's proposals for Health and Social Care reform will enable Ballymoney Borough Council to be active in addressing the ails of our current dental service. To do this, dentists needs to be part of the new Local Commissioning Groups.

We are seeking the support of Ballymoney Borough Council in ensuring that the composition of Local Commissioning Groups includes dentists.”

IT IS RECOMMENDED that Committee considers the BDA request and makes recommendation to Council.

At the request of Alderman Simpson, the Director advised as to his understanding of the role Local Commissioning Groups would play in services as proposed by the Minister for Health. The issue of private vis-à-vis NHS practitioners was discussed.

* **Councillor Kennedy left the meeting at 9.00 pm.**

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

to recommend to Council that it support the BDA in its bid to play a part in the Local Commissioning Groups and that such representatives be drawn from those dentists working in the NHS.

BUILDING CONTROL

340.18 BUILDING CONTROL APPLICATIONS

IT IS RECOMMENDED that Council note the **Applications, Building Notices and Regularisation Certificates** as detailed in Appendix 1, which are in accordance with the requirements of the Building Regulations (NI) 2000.

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

to recommend that Council note the Applications, Building Notices and Regularisation Certificates.

340.19 THE BUILDING REGULATIONS (NI) 2000 – CONSULTATION ON PROPOSED CHANGES TO PART D (STRUCTURE) AND PART J (SOLID WASTE IN BUILDINGS)

Robert White, Chief Building Control Officer has proffered the undernoted comments regarding proposed changes to the Building Regulations:-

1. Introduction

1.1 The Department of Finance and Personnel has issued consultation documents on proposed changes to Parts D (Structure) and Part J (Solid Waste in Buildings) of the Building Regulations (NI) 2000.

1.2 This report outlines the proposals and invites Members to comment on them.

2. Part D (Structure)

2.1 The main proposals relate to the construction of:-

- freestanding (e.g. garden) walls; and

- earth retaining walls

2.2 Walls of either type are not subject to Building Regulations at present, unless, in the case of retaining walls, they form part of a building.

2.3 The proposal is that the construction of freestanding walls over 1 metre in height and earth retaining walls, where either of these is situated on or within the boundary of a "building plot" should be controlled under Building Regulations. A "building plot" is defined as "the area of ground belonging to and adjacent to the site of a building or buildings".

2.4 The Department states that it has received a lot of correspondence requesting it to introduce Regulations relating to these walls. I am aware that some Councils had asked the Department to bring the construction of retaining walls within Building Regulation control, but I had not heard of any requests to control freestanding walls.

2.5 With respect to freestanding walls, which are mainly found around gardens or at the edges of building sites, I have the greatest possible difficulty about the prospect of such structures coming under control by Building Regulations. Here are some of my reasons for this:-

- walls of this nature have been built for many hundreds of years with very little risk to the health and safety of people;
- no figures have been given by the Department for deaths, injuries or damage to property arising from failures of freestanding walls to justify the extension of control to them;
- nobody has any idea how many walls of this type are built every year, so there is no indication of the additional workload for Building Control in inspecting their construction;
- the implications of extending Building Regulations control to freestanding walls have not been fully thought through: for example, a farmer wanting to put a gate through a wall adjacent to his farmhouse would in future have to submit a comprehensive application to the Council for approval under Building Regulations, with all the costs that this would involve;
- if Building Regulations are applied to these walls then it must be appreciated that control will be extended to alterations to existing walls, (most of which may be many of years old and may not comply with modern building codes), extensions and repairs to walls, and so on. There will be great difficulties for people in complying with the proposed requirements and for Councils in enforcing them and the need for all this to be done has not, in my view, been proven;
- if freestanding walls become subject to Building Regulations the cost of enforcement will have to be provided for in annual budgets. Presumably, the Building Regulations Fee Regulations will need to be changed to provide for fee charging based on the cost of the work of erecting such walls;

2.6 With respect to earth retaining walls, I again have great reservations about the

prospect of such structures coming under the Building Regulations. Some reasons for this are:

- nearly all the complaints that led to some Councils asking the Department to extend Building Regulations to retaining walls related to the appearance of some very large walls. The Building Regulations will not control the appearance of these walls at all, only their structural stability;
- we occasionally hear of failures of some retaining walls not associated with buildings walls holding up gardens, for example. However, there is little evidence of such failures resulting in injury or death;
- all the problems of dealing with old walls (particularly in towns with sloping streets where old stone retaining walls are common) that pertain to freestanding walls will be magnified with respect to retaining walls;
- Councils will very likely be drawn into all kinds of boundary disputes between neighbours with respect to the condition of retaining walls;
- again, the extent of the work, the costs and potential fee income arising from the control of retaining walls have not been calculated;
- the design and construction of retaining walls not associated with buildings is a complex matter and most Councils will have to engage professional consultants to check submissions made under the proposed Regulations;

2.7 For the reasons stated and many others, I very strongly oppose the proposed extension of Building Regulations to freestanding and earth retaining walls.

2.8 Some other amendments to Part D (Structures) are proposed relating to the design of buildings to prevent disproportionate collapse from a relatively minor structural failure. These proposals are in line with current Codes of Practices in respect of the structural design of buildings. I therefore recommend acceptance of this part of the consultation document.

3. Part J (Solid Waste in Buildings)

3.1 The Building Regulations have, for some time, required the provision of accessible space for the storage of refuse bins;

3.2 With the on-going drive to promote re-cycling of waste, involving the provision by Councils of a number of different bins for the purpose of segregating materials, it has become evident that more space needs to be provided to accommodate these bins;

3.3 In addition, there is an increasing recognition that space needs to be provided in dwellings to enable waste to be sorted before it is taken to the appropriate bin.

3.4 The Department is therefore proposing to amend the Building Regulations to require:-

- more space for the storage of waste containers outside buildings;

- provision of reasonable access from the storage area to the waste collection point (i.e. the point where the refuse vehicle picks up the waste); and
- provision of space in dwellings for the sorting and temporary storage of household waste.

3.5 I suggest that these proposals are reasonable and should assist the Council in ensuring that adequate storage arrangements for waste from buildings has been provided. I recommend that the Council should support the introduction of the amended Regulations in principle.

3.6 The detailed proposals are, however, somewhat strange. For example, whereas the present Regulations specify a maximum distance from a dwelling to the space for the waste containers (in order to make it convenient for people to access their bins), this requirement is changed in the proposed Regulations to specify a maximum distance between the space for the bins and the place where the refuse vehicle will collect the waste. In other words, it will not matter how far the bins are from the dwelling as long as they are near enough to the collection point!

3.7 In addition, the requirement for a space within a dwelling to allow people to segregate and store waste is very vague and, as written, practically meaningless.

3.8 If the Council resolves to support the changes in principle, I will take up the detailed concerns about the actual wording of the Regulations with the Department.

IT IS RECOMMENDED that Council endorse and make representations along the lines outlined by Mr. White in response to the DFP Consultation on proposed changes to Part D and Part J of the Building Regulations (NI) 2000.

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

to recommend that Council endorse and make representations to the DFP Consultation on proposed changes to Part D and Part J of the Building Regulations (NI) 2000, as outlined.

* **Councillor McKeown left the meeting at 9.25 pm.**

340.20 THE ENERGY PERFORMANCE OF BUILDINGS

Robert White, Chief Building Control Officer has proffered the undernoted comments regarding enforcement duties in respect of the Energy Performance of Buildings.

1. Introduction

1.1 The Department of Finance and Personnel has made a set of Regulations in

relation to the energy performance of buildings. These are *The Energy Performance of Buildings (Certificates and Inspections) Regulations (Northern Ireland) 2008*.

- 1.2 These Regulations have been made under the European Communities Act 1972 in response to a EU Directive, which required all Member States to introduce energy certificates for buildings by 2009.
- 1.3 This report sets out the content of the new Energy Performance Regulations and outlines a request from the Department of Finance and Personnel for Council Building Control Departments to undertake some enforcement duties arising from them.

2. Report

- 2.1 The European Directive required Member states to introduce laws to require:-
- that when buildings are constructed, sold or rented out an energy performance certificate is made available to the owner, or by the owner to a prospective buyer or tenant;
 - that buildings over 1000m² occupied by public authorities or institutions providing public services should have their energy performance certificate displayed in a prominent place;
 - that buildings served by air-conditioning systems should have these systems inspected at regular intervals;
 - that all energy performance certificates should be produced by qualified and accredited experts.
- 2.2 These requirements have been incorporated into the Energy Performance of Buildings (Certificates and Inspections) Regulations (NI) 2008. The timetable for the requirement to provide Energy Performance Certificates is as follows:-

		<u>Commencement Date</u>
<u>Dwellings</u>	Sale New Builds Rental	30 June 2008 30 September 2008 30 September 2008
Buildings other than dwellings	Sale New Builds Rental	30 December 2008 30 December 2008 30 December 2008

Air Conditioning Systems	Existing Systems	4 January 2010 where output is more than 250kw
		4 January 2012 where the output is not more than 250kw
	New Systems	After 30 December 2008 on completion of installation and then every five years

- 2.3 Energy Performance Certificates can only be produced by persons who have been trained and accredited under officially recognised accreditation schemes. The actual certificates have to be produced using Government-approved energy rating software. There are different accreditation schemes for domestic and non-domestic buildings.
- 2.4 In Northern Ireland, only energy assessors who are members of an accreditation scheme approved by the Department of Finance and Personnel will be authorised to issue Energy Performance Certificates. At the time of writing, it is not clear which, if any, accreditation schemes have been approved. This means that there are currently no accredited energy assessors capable of producing certificates in Northern Ireland.
- 2.5 It will be obvious that a critical situation could arise, as **all existing dwellings put on the market from 1st July onwards will require a valid Energy Performance Certificate produced by an energy assessor accredited to operate in Northern Ireland.** It may well be that people generally, and especially those intending to sell their houses, are unaware of this important new law. Also, the lack of accredited assessors could be a very real problem.

3. Enforcement

- 3.1 The Building Regulations will be amended to require the builders or developers of all new buildings (including houses) to provide an Energy Performance Certificate, produced by an accredited assessor, on completion, where this occurs after 30th September 2008. Building Control will not be permitted to issue a Completion Certificate for a building until a certificate is provided. This will ensure that valid Energy Performance Certificates are available for all new builds.
- 3.2 It should be noted that a Certificate (for a new or existing building) will remain valid for ten years from the date of issue. It can therefore be used as often as is needed during this period, both for sale or letting of the property.
- 3.3 The enforcement of the requirement for buildings to have Energy Performance Certificates is the duty of the Department of Finance and Personnel. However,

the Department may delegate this responsibility to other bodies. The Department is now asking if Councils will agree to enforcement responsibilities being undertaken by Building Control Departments in Northern Ireland.

- 3.4 I have considered this request, along with my colleagues in other Councils, and feel that Building Control could undertake the enforcement work associated with Energy Performance Certificates. Obviously, the cost of enforcement will have to be refunded to the Council by the Department and I would note that no proposals in respect of payment have been made so far.

IT IS RECOMMENDED that Council decide in principle to agree to Building Control undertaking enforcement work in relation to the Energy Performance of Buildings (Certificates and Inspections) Regulations (NI) 2008, subject to satisfactory arrangements being made with the Department of Finance and Personnel regarding payment for this work.

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

to recommend that Council agrees, in principle, to Building Control undertaking enforcement work in relation to the Energy Performance of Buildings (Certificates and Inspections) Regulations (NI) 2008, subject to satisfactory arrangements being made with the Department of Finance and Personnel regarding payment for this work.

ENVIRONMENTAL SERVICES

340.21 TENDER FOR SPECIALIST SOFTWARE –

- (1) ENVIRONMENTAL HEALTH (INCLUDING DOG LICENSING)
- (2) BUILDING CONTROL
- (3) CORPORATE COMPLAINTS AND E BASED TRANSACTIONS

Tenders were invited for the provision and maintenance of a hosted solution in respect of the above specialist software. The closing date for tenders was 12.00 noon Wednesday 21st May 2008. One number tender was received by the closing date. Suppliers of the current specialist software (Environmental Health and Building Control) declined to submit a tender on this occasion. The tender submitted has been reviewed and deemed to meet the requirements of the specification in full.

<u>Name of Tenderer</u>	<u>Address of Tenderer</u>	<u>Total Cost (EH, BC & Corporate Complaints)</u>	
Tascomi Ltd.	3 Ballynahinch Street HILLSBOROUGH Co. Down BT26 6AW	Yr 1	£34,950
		Yr 2	£20,500
		Yr 3	£20,500
		Yr 4	£20,500
		Yr 5	£20,500

IT IS RECOMMENDED that Ballymoney Borough Council enter into a contract with Tascomi Limited, 3 Ballynahinch Street, Hillsborough, Co. Down, BT26 6AW for the provision of Environmental Health including Dog Licensing and Building Control and

Corporate Complaints specialist software for a 3 year period with the option to extend on an annual basis on the anniversary of the contract, to be agreed by any new council following the review of public administration.

The Director clarified issues raised by Members and in response to a question from the Mayor advised that whilst there was the necessary funding within budgets for year one costs, it would be necessary to supplement these in respect of years two and three of the proposed contract.

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

to recommend that Ballymoney Borough Council enter into a contract with Tascomi Limited for the provision of specialist software environmental health (including dog licensing), building control and corporate complaints and e based transactions for a 3 year period with an option to extend on an annual basis thereafter.

340.22 MINUTES OF NILAS WORKING GROUP

Minutes of the meeting are attached as Appendix 2 to the Minute. The Director responded to Members' questions and emphasised that in seeking to comply with its NILAS targets it was necessary to –

- Continually review and monitor performance and progress;
- Note that other councils may have different priorities,
- Measures were necessary in both the short and medium term in order that council would fulfil its statutory obligations; and
- There was a need to secure necessary infrastructure within a strict financial timetable and probable time of dramatic change both as regards councils and council staff.

It was proposed by Councillor Stevenson, seconded by Councillor Finlay and
AGREED:

to recommend to council that the minutes of the NILAS Working Group held on 20th May 2008 be accepted.

- * Councillor Finlay and Councillor Patterson left the meeting during the discussion at 9.45 pm and 10.10 pm respectively.

MATTERS FOR INFORMATION

ENVIRONMENTAL SERVICES

340.23 MUNICIPAL WASTE RETURNS

<u>Waste Type</u>	<u>Apr 2008</u>	<u>Apr 2007</u>
Mixed Residual Waste (waste to landfill)	968.48t -4.76%	1,016.92t
Mixed Dry Recyclables (blue bin recycling)	137.58t -1.53%	139.72t

The Chair advised members that due to the reduction of one driver during the month of April, five loads only were removed from the site resulting in the decrease in waste to landfill and blue bin recycling. Targets are however being maintained and the figures will be adjusted accordingly in May's report.

ENVIRONMENTAL PROTECTION

340.24 'OUR ENVIRONMENT, OUR HERITAGE, OUR FUTURE' – STATE OF THE ENVIRONMENT REPORT FOR NORTHERN IRELAND

The DoE Minister recently launched the above Report. The state of the Environment Report brings together very important information to help all of us understand the pressures and impacts our activities are having on the natural and built environment.

The separate, non-technical Summary, which gives immediate access to key findings was circulated to members at the meeting.

340.25 SUSTAINABLE DEVELOPMENT IN GOVERNMENT

The 6th annual Sustainable Development in Government Report, published in March 2008 by the Sustainable Development Commission, provides an independent assessment of the performance of central government departments, executive agencies and self-selected non-departmental public bodies against operational targets set out in the Framework for Sustainable Operations on the Government Estate.

The Executive Summary to the 2007 Sustainable Development in Government Report was circulated to members.

The Sustainable Development Commission is the Government's independent watchdog on sustainable development reporting to the Prime Minister, the First Ministers of Scotland and Wales and the First Minister and Deputy First Minister of Northern Ireland. Through advocacy, advice and appraisal, the SDC helps put sustainable development at the heart of Government policy.

It is the case that the UK Government has committed itself to lead by example on sustainable development. The SDC Report defines "a sustainably managed estate" as one that has –

- modern, resource efficient, low energy usage buildings;
- well conserved and managed land;

- efficient use of space and ways of working;
- the principles of sustained development embedded into working practices.

340.26 DOE CONSULTATION PAPER: REVIEW OF OLD MINERAL PERMISSIONS (ROMP)

Further to item HES399.4 regarding the above matter a briefing paper received from the Quarry Products Association NI was circulated for members' information.

340.27 REGULATION OF WATER SERVICE DISCHARGES REPORT 2006

EHS has recently furnished the report on the Regulation of Water Service Discharges for 2006. The report updates and supplements previous Regulation of Water Service Discharge Reports and reviews progress with capital works schemes and looks forward to the investment planned by Northern Ireland Water Limited (NIW).

In considering the Report it should be taken into account that as Water Service was an Agency of the Department for Regional Development (DRD), the discharge standards and conditions set for Water Service (WS) were not covered by the Water (NI) Order 1999. Discharges were controlled through "registered discharge standards" and regulated in a similar manner to that which would have applied under the Order. EHS was therefore able to fulfil its duties under the Water (NI) Order 1999 to promote the conservation and cleanliness of water resources. However, WS as part of central government had "crown immunity" and enforcement action was limited to the issuing of advisory letters. WS discharges were also subject to the requirements of the European Commission and in particular the Urban Waste Water Treatment Directive (91/271/EEC) and the Northern Ireland Regulations that implement that Directive.

On 1st April 2007, Water Service became a Government Owned Company (GOCO) and is now subject to the full Water (NI) Order 1999 regulatory regime.

Steady progress has been maintained but EHS acknowledges that substantial improvement is still required to match the performance in the rest of the UK.

The following key points contained in the Report are worthy of note –

- The regulatory system that applied to Water Service in 2006.
- Percentage waste water treatment works compliance with EHS standards continues to increase as a result of increased investment in interim improvement and capital schemes. This situation can only continue to get better as NIW implements its investment programme.
- Compliance of discharges of waste process water from drinking water treatment works with EHS standards has fallen to 38%.

- The increase in the number of qualifying works that were required to comply with the numeric standards under the Urban Waste Water Treatment Regulations (UWWTR) from 34 to 77 and the increase in compliance from 62% to 77%.
- The scale of the work that is ongoing to ensure that sewer systems comply with the requirements of the UWWTR.
- Updated information on the investment to be provided to ensure that water utility fully complies with all regulatory requirements.

The report may be obtained on the HES website – www.ehsni.gov.uk.

340.28 POLLUTION PREVENTION AND CONTROL REGULATIONS (NI) 2003: REGISTER OF PUBLIC INFORMATION

EHS has furnished a copy of the document – “EPRTTR Reporting Form” for inclusion on the Public Register maintained by Council in respect of the undernoted sites within the scope of the PPC Regulations:-

- (1) WJ & JM Blair, 15 Drumlee Road, Ballymoney.
- (2) O’Kane Poultry, Kilmoyle Site, 84 Benvardin Road, Ballymoney.
- (3) David Ramsey, 10 Culramoney Road, Ballymoney

340.29 THE POLLUTION CONTROL AND LOCAL GOVERNMENT (NI) ORDER 1978 USE OF LAND 180M SW OF 62 KIRK ROAD, BALLYMONEY AS A MOTO CROSS CIRCUIT

On 19th November 2007, at a meeting of Ballymoney Borough Council, planning application ref D/2005/0305/F proposing a change of use of the above agricultural land to moto cross circuit was refused on the basis of unacceptable use in greenbelt.

It had been brought to this departments attention that this land is continuing to be used as a moto cross circuit on a regular basis. This matter was passed to Planning Enforcement on 14th February 2008 for further action; however, officers from this department are now reviewing the case with regard to the existence of a statutory noise nuisance. It is intended to issue formal letters to the owner of the land and the operator of the circuit with respect to this review.

A full report with recommendations will be provided at the next committee meeting.

FOOD CONTROL

340.30 HAND WASHING AT ST PATRICK’S NURSERY GROUP, RASHARKIN.

During the report period the department gave a short talk to 27 pre-school pupils at St. Patrick’s Nursery, Rasharkin. The talk focused on the importance of washing hands and with the children participating in active learning to see how well they washed their hands.

340.31 PLANT PROTECTION PRODUCTS (AMENDMENT) REGULATIONS (NI) 2008

The above Regulations made by the Department of Agriculture and Rural Development came into operation on the 17th April 2008. They amend Schedule 1 of the principal Regulations dated 2005 implementing Directives 2007/25/EC, 2007/50/EC and 2007/52/EC and with effect from 1st May 2009, 2007/76/EC which authorise a further fourteen active substances used in plant protection products. The Regulations also include Directive 2007/31/EC which amends provisions for an active substance already authorized for use.

340.32 THE PLASTIC MATERIALS AND ARTICLES IN CONTACT WITH FOOD REGULATIONS (NORTHERN IRELAND) 2008

The above Regulations came into effect on 5th May 2008. They revoke the Plastic Materials and Articles in Contact with Food (No. 2) Regulations (NI) 2006 and re-enact those Regulations with certain changes in order to implement further amendments made to Commission Directive 2002/72/EC and to Council Directive 85/572/EEC by Commission Directive 2007/19/EC which introduces new specifications and restrictions relating to plastic multi-layer materials and articles.

340.33 THE FOOD LABELLING (DECLARATION OF ALLERGENS) REGULATIONS (NI) 2008

The above Regulations, which came into operation on 31st May 2008, further amend the Food Labelling Regulations (NI) 1996 to implement in Northern Ireland Commission Directive No. 2007/68/EC.

HEALTH & SAFETY**340.34 HEALTH AND SAFETY REVIEW 2007/2008**

Time spent on the health and safety enforcement equated to 0.5 full time officers in the 2007/2008 period. This year was particularly busy for officers carrying out this function along side the commencement of the Smoking (NI) Order 2006. April, May and part of June was dedicated in raising awareness of the legal requirements of the legislation. In addition proactive visits were undertaken throughout the year.

A topic based inspection approach took up a significant part of officer's time during the last financial year. This area of work focused resources to where it was considered important were likely to have the greatest impact on those key topic areas (priorities) which have been identified as contributing the highest rates of accidents/incidents and ill-health across the Borough.

Recent examples of work undertaken by Borough Services Directorate include when joint working partnership existed with the HSENI in dealing with business premises that contained Asbestos Containing Materials (ACM). Inspectors from both

organisations are currently working with the landlord with the aim of providing an asbestos survey in respect to the legal requirements pursuant to the Control of Asbestos Regulation (NI) 2007. Joint working in this area has been very beneficial and effective to date.

Other pro-active initiatives undertaken throughout the year in health and safety include a Gas Wise Initiative where employers were informed of the dangers associated with gas appliances and the importance of annual service by a CORGI engineer. A proportion of premises with gas appliances or installations were targeted requesting a copy of their gas certificate pursuant to regulation 35 of the Gas Safety Regulations (NI) 2004. To date eight improvement notices have been served with further formal action pending against one of the business operators for breach of the same.

A Sun bed survey was undertaken in the Borough in conjunction with the health and safety forum subgroup. The sun bed survey focused on the practices of beauty therapies and other business that provide sun beds. The survey was used to assist the Ulster Cancer Foundation and District Councils in Northern Ireland to analyse what procedures business have in place, training of staff on the dangers of sun beds, controls in place and the provision of information to the client regarding their skin type and associated risks of using the sun beds.

All reported accidents (5) and complaints (4) made to the Department were investigated through out the year. The Council website was revised and updated to allow for improved accessibility of essential Health & Safety advice and information by businesses and the general public. The Department offered one CIEH Foundation Certificate in Health & Safety with 10 candidates being successful. Although it was planned that a second course would be delivered demand was not forthcoming.

In total 739 officer hours were devoted to Health & Safety enforcement during the period 1st April 2007 – 31st March 2008. The table below details the planned programme and completed number of inspections for 2007-08 .

INSPECTION ACTIVITY

<u>Risk Category</u>	<u>No. Of Premises</u> (based on LAE1 form for 2005/06 premise profile)	<u>Planned Inspections 2007-08</u>	<u>Inspections Completed between 2007- 08</u>
A	1	2	2
B1	28	11	6
B2	65	25	18
B3	94	35	27
B4	92	7	14
C	114	17	17

Total	394	97	84
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The table above quantifies the number of inspections achieved throughout the year. 87% of planned inspections were completed the shortfall due to demand placed upon other areas of work, namely smoke free implementation, emergency planning and topic-based projects. Officer's time in this area is predicted to increase in the 2008-2009 period with additional work planned in the area of Corporate Health and Safety within the Borough Services Directorate.

ENVIRONMENTAL HEALTH GENERAL

340.35 ENVIRONMENTAL HEALTH STUDENT PLACEMENT 08/09

Through Northern Group Systems an Environmental Health student currently studying at the University of Ulster is to be placed within the Borough Services Directorate. Miss Claire Leighton will commence her training period on the 1st September 2008 initially for a six month period, with a review after four months. There will be no direct costs to the Council associated with this placement.

COMMUNITY SAFETY

340.36 PEER LEADERSHIP MESSINES EXPERIENCE

24 young people from the Borough will travel to Belgium from the 5th – 9th July 2008, accompanied by 3 members of the local PSNI. Whilst in Belgium the young people will stay at the International School for Peace Studies and undertake their OCN Level 1 qualification in Messines Experience (Peace Studies). This project is supported by Ballymoney Community Safety Partnership and Ballymoney Local Strategy Partnership.

340.37 SUMMER SPLASH

Ballymoney Community Safety Partnership have secured £5,000 from the Northern Ireland Office Community Safety Unit to reduce anti-social behaviour by providing activities to divert young people away from acting in an anti-social manner during July and August and offer them a more positive and constructive way of using their time. All community groups have been offered the opportunity to participate in this initiative and avail of a range of outdoor pursuits and creative arts workshops targeted at the 13-18 year old age group.

PLANNING CONSULTATIONS

340.38 PLANNING CONSULTATION RESPONSES

The following responses have been returned to Planning Service and is provided to Members for information. This information has been shared with the Head of Corporate and Development Services and the Head of Building Control.

Application	Address	Proposal	Comment
D/2007/0409/F	39 Castle Street, Ballymoney.	Proposed Redevelopment of Site to Fast Food Takeaway and 9 Apartments.	Request conditions regarding noise mitigation measures and further information from applicant regarding kitchen extract ventilation system, refuse storage, health and safety, community safety arrangements.
D/2007/0653/O	Adj. 161 Knock Road, Dervock, Ballymoney.	Retention of existing house and development of 2 semi-detached houses, parking facilities and amenity space.	Request condition and informative with respect to noise mitigation measures to protect occupants from the adjoining industrial premises.
D/2007/0665/F	Lands 120m South of 53 Loughabin Road, Loughgiel.	Proposed erection of 6kw wind turbine.	Condition requested any turbine operated at development site shall not exceed a power capacity of 6kw.
D/2008/0189/F	300m Opposite 11 Benvardin Road, Derrykeighan.	Proposed erection of 20kw wind turbine.	Condition requested any turbine operated at development site shall not exceed a power capacity of 20kw.
D/2007/0661/F	North Side of Junction of Market Street and Café Lane	Renewal of planning approval D/2002/0664/F to provide 3 no. shops and 3 no. apartments over.	Requested further information regarding noise impact from existing adjacent business, together with details of refuse storage arrangements.
D/2006/0104/F	Long Mountain	Proposed construction of 16 no. 2.3 mw wind turbines.	Agreed condition with Planning Service. Windfarm construction will not commence until permission for replacement dwelling at 73 Glenbuck Road, Dunloy expires and works on it have not commenced.

LICENSING

340.39 LICENSING (NORTHERN IRELAND) ORDER 1996

<u>Applicant</u>	<u>Purpose</u>	<u>Date</u>
Liam and Niall Fullan 27/33 Main Street RASHARKIN	Final Grant of Licence	16/4/08
Damien McClafferty McClafferty's Bar 167 Hillside Road, ARMOY	Occasional Licence (Stranocum Hall 31/5/08)	22/4/08

BUILDING CONTROL

340.40 BUILDING CONTROL OFFICER

Mr. Jonathan Blair will commence his employment with Council as a Building Control Officer on 16th June 2008.

This being all the business, the meeting closed at 10.40 pm.

Appendices attached:

Appendix 1 Building Control Applications

Appendix 2 Minutes of NILAS Working Group, Meeting No 7, 20th May 2008

BUILDING CONTROL APPLICATIONS Appendix 1

The following *Applications and Building Notices* are in accordance with the requirements of the Building Regulations (N.I.) 2000.

Ref No: B/2006/0297/MAST
Applicant: Mr Allen Mathewson
Agent: Market Studio 14 Market Road Ballymena
Location: 5 Rodeing Foot Ballymoney
Description: Shop and office development

Ref No: B/2006/0397/
Applicant: Mr & Mrs Tony & Phyllis Kelly
Agent: Norman Perry Diamond Design Studio Ballycastle
Location: 15 Mullan Road Moneycanon Ballymoney
Description: Dwelling and garage

Ref No: B/2006/0410/
Applicant: Mr John Young
Agent: Mark McMullan 22 Newal Road Ballymoney
Location: 76A Bravallen Road Leck Ballymoney
Description: Dwelling and garage

Mr Patrick McKay

Ref No: B/2007/0033/
Applicant:
Agent: Hunter Associates 8 Charlotte Street Ballymoney
Location: 42B Ballyportery Road Ballyportery North Dunloy Ballymena
Description: Dwelling and garage

Ref No: B/2007/0112/
Applicant: Mr Albert Glass
Agent: Maine Designs 51A Killyless Road Cullybackey
Location: 262 Finvoy Road Rasharkin Ballymena
Description: Renovations to dwelling and new pitched roof to rear return

Ref No: B/2007/0115/
Applicant: Mr & Mrs Willis Williamson
Agent:
Location: 121 Newbridge Road Ballymoney
Description: Dwelling with integral garage and granny flat

Ref No: B/2007/0130/
Applicant: Mr Neil Gorman
Agent: Ivan McDonald 17 Lissadell Avenue Portstewart
Location: 2A Slievenaghy Road Craigs Ballymoney
Description: Dwelling and garage

Ref No: B/2007/0145/
Applicant: DB Contracts Ltd
Agent: Park Design Associates Parkmore House Ballymena
Location: 9 Presbytery Lane Dunloy Ballymena
Description: Offices and store

Ref No: B/2007/0153/
Applicant: Mr Richard Christie
Agent: McCutcheon & Wilkinson 18 Linenhall Street Ballymena
Location: 137 Culcrum Road Culcrum Dunloy Ballymena
Description: Dwelling

Ref No: B/2007/0195/
Applicant: Mr Terence Doherty
Agent: RMA 1 Sloans Court Ballymena
Location: 30 Pharis Road Turnagrove Ballymoney
Description: Dwelling and garage

Ref No: B/2007/0196/
Applicant: Mr Richard King
Agent:
Location: 17 Ashley Park Dunaghy Ballymoney
Description: Extension to dwelling

Ref No: BN/2008/0021/
Applicant: Ms Majorie McKay
Agent: CFM Ltd 65 Deerpark Road Castledawson
Location: 20 Coleraine Road Ballymoney
Description: Installation of gas-fired central heating

Ref No: BN/2008/0022/
Applicant: Ms June Mills
Agent: Craig Cusick 94 Knock Road Ballymoney
Location: 13 Greenville Avenue Ballymoney
Description: Extension to dwelling

Ref No: BN/2008/0023/
Applicant: Mr Stephen Watton
Agent: RD Architectural Design Services 75 New Row Coleraine
Location: 66A Ballybogey Road Ballymoney
Description: Alterations to dwelling

Ref No: BN/2008/0024/
Applicant: Mrs F Cunningham
Agent: Mr L Walker 30 Toberdoney Road Ballymoney
Location: 18 Millar Avenue Dervock Ballymoney
Description: Installation of oil-fired central heating and shower facilities to bathroom

Ref No: BN/2008/0025/
Applicant: Mr Terence Campbell Nicholl
Agent:
Location: 20 Millfields Balnamore Ballymoney
Description: Sun room extension to dwelling

Ref No: BN/2008/0026/
Applicant: Mr Victor James Hanna
Agent:
Location: 12 Castlehill Park Ballymoney
Description: Sun room extension to dwelling

Ref No: BN/2008/0027/
Applicant: Ms Sarah Taylor
Agent: Mr F Quigg 30 Agivey Road Kilrea
Location: 18 Gracehill Road Armoy Ballymoney
Description: Installation of oil-fired central heating

Ref No: BN/2008/0028/
Applicant: Ms Lena Bell
Agent: Mr F Quigg 30 Agivey Road Kilrea
Location: 26 Main Street Stranocum Ballymoney
Description: Installation of oil-fired central heating

Ref No: BN/2008/0029/
Applicant: Ms Mary McKendrey
Agent: Mr F Quigg 30 Agivey Road Kilrea
Location: 7 Taughey Road Balnamore Ballymoney
Description: Installation of oil-fired central heating

Ref No: BN/2008/0030/
Applicant: Mr John Taggart
Agent: Mr F Quigg 30 Agivey Road Kilrea
Location: 41 Glenstall Road Ballymoney
Description: Installation of oil-fired central heating

Ref No: BN/2008/0031/
Applicant: Mr Sean McLoughlin
Agent: Mr F Quigg 30 Agivey Road Kilrea
Location: 37 Lisheegan Road Ballymoney
Description: Installation of oil-fired central heating

Ref No: BN/2008/0032/
Applicant: Ms Agnes Mitchell
Agent: Mr F Quigg 30 Agivey Road Kilrea
Location: 88 Finvoy Road Ballymoney
Description: Installation of oil-fired central heating

Ref No: BN/2008/0033/
Applicant: Mr Robert Taylor
Agent: Mr F Quigg 30 Agivey Road Kilrea
Location: 14 Mrytle Park Ballymoney
Description: Installation of oil-fired central heating

Ref No: BN/2008/0034/
Applicant: Ms Rachel Rainey
Agent: Mr F Quigg 30 Agivey Road Kilrea
Location: 22 Cherry Gardens Ballymoney
Description: Installation of oil-fired central heating

Ref No: BN/2008/0035/
Applicant: Ms Maureen McKenna
Agent: O'Kane Plumbing & Heating 46 Dunamore Road Cookstown
Location: 239A Lisnahunshin Road Rasharkin Ballymena
Description: Installation of oil-fired central heating

Ref No: BN/2008/0097/MAST
Applicant: N I Housing Executive
Agent: H & A Mechanical Services 28 Fivemile Straight Draperstown
Location: 3 & 19 Park View Ballymoney
Description: Installation of gas-fired central heating

B - Full Plans Applications
BN - Building Notice Applications
RC - Regularisation Certificate Applications

	Total
B	11
BN	16
Total	27

APPENDIX 2**NILAS WORKING GROUP****MEETING NO. 7**

Held on Tuesday 20th May 2008 at 2.30pm in Riada House

Present Councillor Robinson (Chair)
Alderman Connolly
Alderman Cousley
Councillor McCamphill

In Attendance Director of Borough Services
Head of Environmental Services
Recycling & Education Officer

Item 1: North West Region Waste Management Group Joint Committee

The Director reported that the first meeting of the NWRWM Group Joint Committee was held on May 7th 2008 and that it was pleasing to report that Councillor Robinson had been elected Chair. Committee members congratulated Councillor Robinson on her appointment.

The Director outlined that the remit of the Joint Committee, constituted under a Memorandum of Understanding, is to focus on infrastructural solutions relating to waste processing post 2012.

Councillor Robinson observed that the £200 million set aside by Government in order to assist councils introduce the necessary infrastructural changes could be lost if not utilized in the tightly defined timescale laid down.

Item 2: Council compliance with NILAS Targets.

The Director advised that he had prepared an item on a recently received report from DoE on its Review of the NI Landfill Allowance Scheme for the next Health & Environmental Services Committee. He asked members to note that it was being recommended that the Department of the Environment introduce legislation by 1st April 2009 to implement the findings of the recent NI Waste Compositional Study. That study found that presently the percentage of the bio-degradable fraction of municipal waste had reduced from 71% to 64%.

Members were given the following update as to the performance of the Council's brown bin garden waste scheme. In the two month period [17th March to 16th May] the total amount of garden waste collected via brown bins was 189.46t. The most material collected in one day was 13.52t on 13th May from Dunloy/Cloughmills. The Director also advised that the 2nd round of monitoring will be undertaken from 2nd to 13th June 2008.

The Director then informed members that he had attended a meeting on 15th May 2008 of officers having waste management responsibilities with the four council cluster (namely Ballymoney, Coleraine, Limavady and

Moyle) which would form the new local authority in May 2011 under the present RPA proposals. The meeting enabled officers to share information on current service arrangements and to discuss current thinking regarding pending contracts, such as the NWRWMG Bio-Waste/Compost contract, the SWaMP/NWRWMG Interim Residual Waste contract. Members were advised that only Ballymoney and Limavady had issued brown bins to date. Only Ballymoney was currently providing a 3 bin collection service. Limavady, although it had distributed brown bins was not collecting these and was still considering what it would ask householders to place in its brown bins. It was likely that only garden waste would be collected initially. There was a consensus that given both cost and infrastructure considerations that collection of garden waste only was to be preferred to a joint garden/kitchen waste collection.

This verbal report by the Director gave rise to a lengthy discussion. The following points were made –

- NWRWMGroup councils [6no.] had invited tenders for the processing of garden/kitchen waste collected via brown bins on a guaranteed tonnage basis.
- Whilst a preferred bidder had been determined, the tender had yet to be let.
- The Director advised, that on procurement advice received, the tender could only be let on the basis advertised i.e. the tonnage guaranteed by participating councils.
- It was this authority's position that its brown bin scheme be used to collect garden waste only for the first year.
- No decision had been made regarding either [1] the collection of garden/kitchen waste or [2] taking up the NWRWMGroup Bio-Waste/Compost contract.
- Were Council to decide its policy on this matter then that policy would be implemented by officers.
- In order to take up the NWRWMGroup Bio-Waste/Compost contract as Council has previously been advised two matters required consideration and financial provision to be made by Council, namely [1] the provision of a suitable storage / transfer facility [circa £250,000] for mixed garden/kitchen waste and [2] a revenue budget for the proposed cost of processing such waste @ £44.50 per tonne.
- As had also been indicated previously a suitable storage/transfer facility would need both planning approval and a waste management licence and in order to obtain these and also build such a facility were this the Council's choice there would be need to start this work now to have any prospect of the facility being available in May 2009.
- The prospect of co-operating with other cluster councils regarding the provision of waste storage / transfer facilities had been discussed by officers, but it was the Director's view that it would be a prolonged process to arrive at any joint Council decision on such a matter at this stage in the RPA process.
- The Chair asked that research be undertaken to see whether any of the £200 million might be able to be drawn down for local waste infrastructural projects and the Director agreed to action this.
- The Director advised that when the matter of how Council might comply with its NILAS target obligations had been discussed at the last Working Group the question of removing kitchen waste from black bins to assist Council compliance was not one of the matters proposed as yet.
- It was estimated that approximately 500t of kitchen waste might be collected by the

Council's brown bin scheme. Were it possible to achieve a 25% diversion of the mixed garden/kitchen waste collected via brown bins this would yield approximately 300t NILAS benefit assuming that in total 1,200t of mixed garden/kitchen waste were collected per annum via brown bins.

- The statistics discussed at the previous Working Group meeting had outlined a three step approach to trying to ensure Council NILAS compliance, namely [1] DoE passing on to Council the 7% reduction in BMW; [2] processing co-mingled civic amenity site waste and [3] inputting waste to the proposed SWaMP / NWRWMG Interim Residual Waste Contract to which Council had committed.
- Members were advised that changes sought by NIE were continuing to delay the provision of compactors at Knock Road and therefore the commencement of the dispatch for processing of co-mingled CA site waste.
- Mention was also made of prospective contractor questioning as regards the Interim Residual Waste contract which was prolonging its standstill period.
- The Director pointed out that there was need to continually monitor progress in order that Council could in a timely manner improve its performance as necessary in order to comply with its NILAS targets.

IT WAS AGREED that the matter be further discussed at the next meeting of the Council's Health & Environmental Services Committee.

Meeting closed - 4.15pm.