

**Ballymoney Borough Council
Consultation Committee Meeting No 72 – 16th April 2012**

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BALLYMONEY BOROUGH COUNCIL

Minutes of Consultation Committee Meeting No 72 held in the Council Chamber, Riada House, Ballymoney on Monday 16th April 2012 at 6.30 pm

IN THE CHAIR: Councillor A Cavlan

PRESENT: **Aldermen**
F Campbell
H Connolly
C Cousley
B Kennedy

Councillors
J Atkinson
J Finlay
R Halliday
R McGuigan
R McKeown
I Stevenson, Mayor

APOLOGIES: Councillor E Robinson

IN ATTENDANCE: Chief Executive
Head of Corporate & Development Services
Committee Clerk

Northern Ireland Fire & Rescue Service (Item 1)

G Lowry (NIFRS)
B Stanfield (FBU)

Items 3-4 – Planning Service (Item 3)

J McCaughan – Planning Officer

Press

72.1 NORTHERN IRELAND FIRE & RESCUE SERVICE

The Chair welcomed representatives from the Northern Ireland Fire and Rescue Service and the Fire Brigade Union to give a presentation to members on their consultations relating to a review of variable crewing framework and the flexi duty rota.

1.1 Variable Crewing

Mr Lowry explained that there are currently 7 Variable Crewed Fire Stations across Northern Ireland in Antrim, Carrickfergus, Coleraine, Newtownards, Omagh, Portadown and Armagh. These stations are staffed

by Firefighters on the Variable Crewing shift system (11.00am to 11.00pm every day) with additional cover provided by Retained (part time) Firefighters in that area. By reviewing the existing Variable Crewing model to operate on a 7.30 am – 7.30 pm basis, NIFRS believes it will further its contribution to community safety. The review is also concerned with the existing shift pattern within Variable Crewing and how it can be improved from a family-friendly working hour's perspective, without compromising on its obligations to the community. Mr Stanfield advised that the Fire Brigade Union believes that the changes can be made providing safety is enhanced. Mr Lowry advised that the review will enhance the service to provide immediate turn out and increased community safety.

Mr Lowry responded to questions from Alderman Campbell relating to cover provided to Ballymoney from outlying areas if the need arises. Mr Lowry advised that the service is looked at to ensure ample cover is provided and response times are monitored to ensure there is no weakness in cover.

Councillor Storey requested an update on availability of retained firefighters. Mr Lowry advised that the establishment of part time firefighters amounts to 20 with 120 hours availability within the week with a rota produced by the Charge Commander. Alternative methods of providing 120 hours are being considered and project work is ongoing. Currently the establishment for Ballymoney is at 19 out of 20 and a recruitment process is taking place. In addition, a Watch Commander vacancy is expected to be filled by 1st July.

1.2 Review of Flexi Duty Rota

Mr Stanfield advised that NIFRS is currently reviewing its Flexi Duty Rota as part of its on-going service improvements, with a view to targeting the available duty time for Supervisory Officers towards their key areas of responsibility.

Mr Stanfield advised that the terms and conditions for working the Flexi Duty Rota are specified by the National Joint Services for Local Authority Fire & Rescue Services 'Hours of Duty and Duty Systems'. Hours of working under the FDS are specified as up to 42 hours managerial working and 36 hours standby. This gives a total maximum of 78 hours/week. Previous to this review all FDS officers worked an identical pattern of hours regardless of their location or job responsibilities and there was no formal recognition of priorities or minimum numbers of officers required to maintain service delivery. Review of the policy is intended to formalize a number of informal working arrangements. The overall hours worked will not change and will serve to facilitate efficiency of service to :

- Ensure ICS requirements can be met
- Ensure statutory training requirements can be supervised.

- Facilitate the time for management/administration duties for efficient running of the organization.

The representatives responded to questions from members relating to policies in place to ensure compliance with the Governance Act.

Councillor Storey thanked the Department for their commitment and professionalism in carrying out a demanding role in circumstances that can sometimes be very difficult. Alderman Connolly concurred with Councillor Storey and commended NIFRS for their work in extinguishing gorse fires last summer which were very difficult to reach.

The Chair thanked Mr Lowry and Mr Stanfield for their presentation which concluded at 7.00 pm. The representatives left the meeting at this time.

The presentation is attached as Appendix 1.

- * **Councillor Storey and Councillor McGuigan joined the meeting during the presentation at 6.40 and 6.50 pm respectively.**

72.2 MINUTES – CONSULTATION COMMITTEE MEETING NO 71 – 21ST MARCH 2012

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

that the minutes of Consultation Committee Meeting No 71 – 21st March 2012, as circulated, be confirmed as a correct record.

- * **The Planning Officer joined the meeting at 7.00 pm.**

72.3 PLANNING APPLICATIONS

3.1 New Applications

Items 1-7 were considered and the opinion of the Planning Services accepted except where stated otherwise.

Full details of applications can be viewed at:

http://apps.planningni.gov.uk/Council_schedules/ballymoney.aspx

ITEM NO 1	APPLIC NO D/2011/0034/F
DOE OPINION	REFUSAL
APPLICANT	Mr G Robinson C/O Agent
AGENT	Patrick Flynn 11, Dunturk Road, Castlewellan BT31 9PF
LOCATION	215m NE of 14 Glenstall Road, Ballymoney
PROPOSAL	1 medium sized wind turbine hub height 37 metres
It was AGREED:	that an office meeting be held (Councillor Finlay)

ITEM NO 3
DOE OPINION
APPLICANT
AGENT
LOCATION
PROPOSAL

APPLIC NO D/2011/0129/O Outline
REFUSAL
 Mr J Mrs A Naylor c/o Agent
 Hunter Assocs 8, Charlotte Street, Ballymoney BT53 6AY
 Lands adjacent to 22 Ballykenver Road, Stranocum, Ballymoney
 Proposed replacement dwelling adjacent to 22 Ballykenver Road, Stranocum, Ballymoney
Application withdrawn.

ITEM NO 5
DOE OPINION
APPLICANT
AGENT
LOCATION
PROPOSAL
It was AGREED:

APPLIC NO D/2012/0008/O Outline
REFUSAL
 Mr A McCarry c/o Agent
 Pro-Design (N I), Limited 43, Kilmandil Road, Cloughmills, BT44 9BH
 50m S E of 18 Ballyveely Road, Ballymoney
 Proposed site for new dwelling and garage
that an office meeting be held (Councillor Cavlan)

ITEM NO 6
DOE OPINION
APPLICANT
AGENT
LOCATION
PROPOSAL
OBJECTIONS (1)
It was AGREED:

APPLIC NO D/2012/0011/O Outline
REFUSAL
 Mr G McGuckian 56 Lisboy Road, Dunloy, Ballymena BT44 9BU
 Land Adjacent to No 52 Lisboy Road, Dunloy
 New Dwelling and Garage on Farm
Objections related to privacy and character that an office meeting be held (Alderman Kennedy and Councillor Finlay).

ITEM NO 7
DOE OPINION
APPLICANT
AGENT
LOCATION
PROPOSAL
It was AGREED:

APPLIC NO D/2012/0018/F Full
REFUSAL
 Mrs T Rouke C/o Agent
 Ivan McDonald, 17 Lissadell Avenue, Portstewart BT55 7SY
 44a Burnquarter Road Ballymoney Co. Antrim BT53 7DN.
 Access taken from Bravallen Road.
 Proposed new access to 44A Burnquarter Road, Ballymoney (access taken from Bravallen Road)
that an office meeting be held (Councillor Finlay)

3.2 Deferred Applications

Items 1-7 were considered and the opinion of the Planning Services accepted except where stated otherwise.

**ITEM NO D1 APPLIC NO D/2007/0546/O Outline
DOE OPINION REFUSAL**

At the request of Councillor Finlay, the Planning Officer agreed to hold the application for one month to enable applicant to make representations to DARD relating to farm usage.

**ITEM NO D2 APPLIC NO D/2009/0126/F Full
DOE OPINION REFUSAL**

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

that Council refer the application to the MP and request a meeting with the MP, Divisional Planning Manager and senior representatives from Road Service and DARD road planners for the A26 dualling.

The Planning Officer agreed to hold the application for two weeks.

**ITEM NO D3 APPLIC NO D/2010/0190/F Full
DOE OPINION REFUSAL**

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

that Council refer the application to the MP and request a meeting with the MP and Divisional Planning Manager.

Councillor Cavlan recorded her agreement with the Department's decision to refuse the application.

**ITEM NO D4 APPLIC NO D/2010/0238/F
DOE OPINION REFUSAL**

The Planning Officer agreed to hold the application for one month to enable applicant to submit revised proposal.

**ITEM NO D5 APPLIC NO D/2011/0107/F Full
DOE OPINION REFUSAL**

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

that Council refer the application to the MP and request a meeting with the MP and Divisional Planning Manager.

The Planning Officer agreed to hold the application for two weeks.

**ITEM NO D6 APPLIC NO D/2011/0192/F Full
DOE OPINION REFUSAL**

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

that Council refer the application to the MP and request a meeting with the MP and Divisional Planning Manager.

The Planning Officer agreed to hold the application for two weeks.

Councillor Storey and Councillor Finlay raised concerns regarding the Department's visual assessment of wind turbines. The Planning Officer explained the Department's rationale in promoting renewable energy whilst considering visual impact, height, scale etc against the benefits in approving applications. He stated that there have been 60 approved applications for wind turbines since 2010.

**ITEM NO D7 APPLIC NO D/2011/0202/F Full
DOE OPINION APPROVAL**

The Planning officer advised that landscaping is capable of supporting the application and the Department is now able to approve. Alderman Connolly thanked the Department for their decision.

3.3 Decisions Issued

A schedule of decisions issued from 01/03/2012 0T0o:0:0:3010/03/2012 was circulated for information.

3.4 Date of Office Meeting

Office meeting will take place on Friday 27th April at 10.00 am in the Lanyon Room, Riada House.

*** Planning Officer left the meeting at 7.20 pm.**

3.5 Planning Application D/2010/0346/F

This proposal was presented to Council on 21st November. Following the meeting the agent advised that the certificate signed on the application form was incorrect which required the department to seek amendments, re-advertise and re-neighbour notify. The statutory advertisement period has expired and the Department is in a position to issue an approval.

72.4 DEPARTMENT OF EDUCATION - PUTTING PUPILS FIRST: SHAPING OUR FUTURE AREA PLANNING – TERMS OF REFERENCE

Press release issued by Department of Education relating to the Terms of Reference for the Area Based Planning exercise which the Minister has directed the Education & Library Boards to complete by June 2012, was circulated.

When all the Education & Library Boards have submitted their proposals, the Minister will consider and allow them to be issued for consultation. If Council receives a presentation before the Minister authorises release of the proposals for consultation it can be only on the process. When the consultation is launched we will be able to discuss the proposed outcomes.

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

that Council writes to Shane McCurdy and Ray Gilbert of NEELB requesting that they present to Council on the Board's submission to Department of Education.

72.5 SUPPLEMENTARY PLANNING GUIDANCE (SPG) TO ACCOMPANY POLICY PED 8: 'DEVELOPMENT INCOMPATIBLE WITH ECONOMIC DEVELOPMENT USES' OF PLANNING POLICY STATEMENT 4: 'PLANNING AND ECONOMIC DEVELOPMENT'

Policy PED 8 of PPS 4 sets out the Department of Environment's planning policy for 'Development Incompatible with Economic Development Uses'. The policy provides protection for existing economic development enterprises from any form of development that is incompatible and likely to prejudice the continued existence and the employment generated by the established use

The SPG provides clarification in regard to certain types of industrial use which would be incompatible with existing industrial undertakings requiring a particularly contaminant free environment (such as life sciences, food processing and research and development sectors). Some of these established enterprises are of significant importance to the Northern Ireland economy and it is in the public interest to ensure that their continued existence and employment provided is not jeopardised through incompatible development.

The SPG does not materially affect the overall policy thrust or intention of PPS 4. In addition, it does not affect the outcome of the equality impact, rural proofing and anti-poverty screening exercises undertaken for PPS 4.

A copy of the public consultation document was circulated.

The consultation papers are available on the Planning NI Website at www.planningni.gov.uk. and the consultation period will end on 23 April 2012.

72.6 THE PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS (NI) 2012, SR 2012 No. 59

The Department of Environment has advised that the above Regulation came into operation on 13th March 2012. The Regulations amend and consolidate the Planning (Environmental Impact Assessment) Regulations (NI) 1999 (“the 1999 EIA Regulations”) which apply Directive 85/337/EEC on the assessment of the effects of certain public and private projects on the environment, as amended (“the EIA Directive”), to the planning process in NI. The EIA Directive requires an assessment of the effects of certain public and private projects on the environment before development consent is granted.

A copy of DOE circular setting out the key amendments was circulated.

72.7 PRESENTATION REQUEST

A request has been received from UNISON representative at Causeway Hospital to brief members on a petition they wish to take to Stormont with support of Councillors re planned changes to hospital.

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

that Council receive a presentation from UNISON representatives at Causeway Hospital, date to be agreed.

72.8 CHANGES TO PARTY STRENGTH ON COUNCIL & IMPACT ON NOMINATIONS MADE USING D'HONDT

The leader of the DUP group on Council has formally advised the Chief Executive that his group now comprises nine Councillors, with the inclusion of Alderman Kennedy from the UUP. He has asked that the Chief Executive report the new situation to Council and advise it of the impact on those nominations made at the 2011 AGM and subsequently using the D'Hondt formula.

At the AGM following the last local general election in May 2011, Council agreed that places on the Causeway Coast and Glens Transition Committee, NILGA and

the District Policing Partnership would be allocated by D'Hondt. The DPP has since been wound up. The successor body is the PCSP; Council also agreed that the ten Councillor places on the PCSP would be allocated using D'Hondt. The changed political makeup of Council has no effect on the allocation of the places on the PCSP because of the provisions of paragraph 3. (3) of Schedule 1 of the *Justice Act (Northern Ireland) 2011* (the relevant extract is reproduced below with highlighting added). The current composition of the PCSP is: DUP – 7; SF – 2; & UUP – 1 and that remains the case.

Council has five places on the CC>C and the current makeup is: DUP – 3; SF – 1; & UUP – 1. Triggering D'Hondt with the revised makeup of Council results in the following allocation of the 5 places: DUP – 4; & SF – 1. The UUP seat is currently allocated to Alderman Kennedy who is now a DUP member. If he retains his place on the transition committee the composition reflects the new political makeup of Council.

In the case of the four places on NILGA, the revised Council makeup produces the same allocation as at the AGM in 2011: DUP – 3; & SF – 1.

The committee is asked to note this report.

(Justice Act (Northern Ireland) 2011

SCHEDULE 1

POLICING AND COMMUNITY SAFETY PARTNERSHIPS

Composition

2. A PCSP shall consist of

- (a) political members appointed under paragraph 3;*
- (b) independent members appointed under paragraph 4; and*
- (c) representatives nominated by organisations designated under paragraph 7.*

Political members

3. (1) There shall be 8, 9 or 10 political members, as the Council may determine.

(2) In making a determination under sub-paragraph (1), the Council shall have regard to

- (a) the number of members constituting the Council; and*
- (b) the duty imposed by sub-paragraph (3).*

*(3) A Council shall exercise its power to appoint political members so as to ensure that, so far as practicable, the political members **reflect the balance of parties prevailing among the members of the Council immediately after the last local general election.**)*

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

that Council trigger the D'Hondt system resulting in the allocation of the 5 places on the CC>C as: DUP – 4; & SF – 1 with Alderman Kennedy who is now a DUP member retaining his place on the transition committee, this composition reflecting the new political makeup of Council.

72.9 SOMME TOUR

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

that Alderman Kennedy and Councillor Atkinson be nominated to represent Council on the Somme tour from 28th June – 2nd July inclusive.

72.10 PUBLIC APPOINTMENTS: MEMBERS – HEALTH AND SAFETY EXECUTIVE FOR NORTHERN IRELAND (HSENI)

A copy of a letter from DETI regarding the Appointment of 5 members to the Board of the Health & Safety Executive for Northern Ireland (HSENI) was circulated.

The vacancy is being advertised in the Irish News and News Letter on 19 April 2012 and in the Belfast Telegraph on 20 April 2012.

The closing date for applications is noon on Friday 11 May 2012. Late applications will not be accepted.

The meeting closed at 7.40 pm.

Appendices attached:

Appendix 1 Presentation - Northern Ireland Fire & Rescue Service

APPENDIX 1



Council
presentation.ppt

NIFRS Presentation 1