

**Ballymoney Borough Council**  
**Health & Environmental Services Committee Meeting No 374 – 25<sup>th</sup> October 2011**

**Table of Contents**

<b>374.1</b>	Meeting No 373 – 27 <sup>th</sup> September 2011	<i>Adopted</i>
<b>374.2</b>	Clean Neighbourhoods & Environment Act Guidance: DoE Consultation Document	<i>Endorse response Write to express concern regarding cost implications</i>
<b>374.3</b>	Public Health (Ireland) Act 1878 As Amended	<i>Serve abatement notice</i>
<b>374.4</b>	Private Tenancies (NI) Order 2006 Article 36(4) – Certificate of Fitness	<i>Grant certificates</i>
<b>374.5</b>	Local Government (Misc Provisions) (NI) Order 1985 – Licence Applications (Full) (Renewal)	<i>Renew licences</i>
<b>374.6</b>	Local Government (Misc Provisions) (NI) Order 1985 – Licence Application (Fourteen Unspecified Days) (Renewal)	<i>Renew licence</i>
<b>374.7</b>	Public Health Agency Contracts – Home Safety Officer/Home Safety Equipment Scheme	<i>Accept offer. Authorise officers</i>
<b>374.8</b>	Public Health Agency Contracts – Fuel Poverty/Energy Efficiency Advice Service	<i>Accept offer. Authorise officers</i>
<b>374.9</b>	Planning Consultation Response – D/2010/0262/F	<i>Recommend approval subject to conditions</i>
<b>374.10</b>	Planning Consultation Response – D/2010/0356/F	<i>Were Planning Service minded to approve, recommend approval subject to conditions</i>
<b>374.11</b>	Rejection of Building Plans – September 2011	<i>Note</i>
<b>374.12</b>	Consultation on Proposals for Building Regulations (NI) 2011 Phase 2	<i>Endorse response</i>
<b>FOR INFORMATION: 374.13-374.14 and 374.16-374.18</b>		
<b>374.13</b>	Consultation on Draft High Hedges Guidance	<i>For information</i>
<b>374.14</b>	Municipal Waste Returns	<i>For information</i>
<b>374.15</b>	Crosstagherty Waste Handling & Transfer Facility	<i>Tender for a replacement loading shovel</i>
<b>374.16</b>	Calor Environmental Village of the Year 2011	<i>For information</i>

**374.17** Licensing (NI) Order 1996

*For information*

**374.18** Winter Fuel Payments

*For information*

**BALLYMONEY BOROUGH COUNCIL**

Minutes of Health & Environmental Services Committee Meeting No 374, held in the McKinley Room, Riada House, Ballymoney on Tuesday 25<sup>th</sup> October 2011 at 7.00 pm.

**IN THE CHAIR:** Councillor E Robinson

**PRESENT:** **Aldermen**  
F Campbell  
C Cousley, MBE

**Councillors**  
J Atkinson  
W Blair  
A Cavlan  
J Finlay  
R Halliday  
R McAfee  
C McLaughlin  
I Stevenson, Mayor

**APOLOGIES:** Alderman H Connolly  
Councillor McGuigan  
Councillor M Storey, MLA

**IN ATTENDANCE:** Director of Borough Services  
Committee Clerk

**374.1 MINUTES - Meeting No 373– 27<sup>th</sup> September 2011**

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

*to recommend that the minutes of Meeting Number 373 – 27<sup>th</sup> September 2011, as circulated, by confirmed as a correct record.*

**MATTERS FOR CONSIDERATION****ENVIRONMENTAL PROTECTION****374.2 CLEAN NEIGHBOURHOODS AND ENVIRONMENT ACT GUIDANCE: DoE CONSULTATION DOCUMENT**

The DoE is presently consulting on the draft Clean Neighbourhoods and Environment Act Guidance to District Councils on Alarm Notification Areas, Amendments to the Noise Act 1996, Statutory Nuisances and a Code of Practice on Odour Nuisance from Sewage Treatment Works. Comments had been invited by 25<sup>th</sup> October 2011.

The Council's Borough Services Directorate had prepared a response, which was circulated to members.

**IT IS RECOMMENDED** that Council endorse the response made on its behalf.

\* Councillor McLaughlin joined the meeting at 7.04pm.

In response to Alderman Campbell and the Mayor, the Director of Borough Services advised that quite a number of separate pieces of new environmental legislation had either recently been made or was in the process of being made by the Assembly and that in the majority of cases no new funding was to accompany the new powers being given in the main to NI district councils. He stated that as a consequence additional resources would inevitably have to be deployed by councils as rightly citizens would expect to benefit from the services the new measures implemented.

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

***to recommend that Council endorse the response made on its behalf.***

In addition, it was proposed by Alderman Campbell, seconded by Councillor Stevenson and **AGREED:**

***to recommend that Council write to the DoE to express its concern at the cost implications of the new legislation sponsored by the Department.***

\* Councillor Stevenson left the meeting at 7.21pm.

## ENVIRONMENTAL HEALTH GENERAL

### 374.3 PUBLIC HEALTH (IRELAND) ACT 1878 AS AMENDED 237 GARRYDUFF ROAD, DUNLOY, BALLYMENA, BT44 9EE.

Further to a request from the landlord of the above property for an inspection under the Private Tenancies (NI) Order 2006 the following defects considered to be prejudicial to health were observed.

#### Internal

- High levels of rising dampness detected in the old stone walls at the rear of the semi-detached dwelling house.

**IT IS RECOMMENDED** that an abatement notice be served on the landlord of the premises under Section 110 of the Public Health (Ireland) Act 1878 as amended with a time period of compliance of 90 days in order to remedy the condition of the rising damp.

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

***to recommend that an abatement notice be served on the landlord of the premises under Section 110 of the Public Health (Ireland) Act 1878 as amended with a time period of compliance of 90 days in order to remedy the condition of the rising damp.***

**374.4 THE PRIVATE TENANCIES (NORTHERN IRELAND) ORDER 2006  
ARTICLE 36 (4) - CERTIFICATE OF FITNESS**

**Landlord**

Mr. J. McIlhatton

Ms. Joyce Adair

**Dwelling- House**

76 Moyan Road,  
BALLYMONEY,  
BT53 8NX.

12 Killyrammer Road,  
BALLYMONEY,  
BT53 8LZ.

Fitness inspections of the above dwellings have been conducted and the dwelling houses meet the fitness standard for human habitation as set out in Article 46 of the Housing (NI) Order 1981.

***IT IS RECOMMENDED*** that the Borough Council grant an Article 36 (4) Certificate of Fitness in respect of the each of the above dwelling houses.

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

***to recommend that the Borough Council grant an Article 36 (4) Certificate of Fitness in respect of the each of the above dwelling houses.***

**LICENSING**

**374.5 LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) (NORTHERN IRELAND)  
ORDER 1985 - LICENCE APPLICATIONS (FULL) (RENEWAL)**

**Premises**

Blackwater Bar & Restaurant,  
250-252 Castlecat Road,  
Dervock,  
BALLYMONEY,  
BT53 8BP.

The Scenic Inn,  
38 Fivey Road,  
Armoy,  
BALLYMONEY,  
BT53 8UT.

Social Centre,  
12 Edward Street,  
BALLYMONEY,  
BT53 6JE.

**Applicant**

Mr. & Mrs S. McKillop

Ms. Shirley McKinley

Mr. Gareth Doyle

Minor, Main Sports Halls,  
Joey Dunlop Leisure Centre,  
33 Garryduff Road,  
BALLYMONEY,  
BT53 7DB.

Mr. Paul Lyness

Town Hall,  
1 Townhead Street,  
BALLYMONEY,  
BT53 6BE.

Mr. Gareth Doyle

**IT IS RECOMMENDED** that the Borough Council renew the Indoor Entertainment's Licences as detailed above and in the case of Blackwater Bar & Restaurant subject to the proviso that an approved electrical test certificate is received. In addition to the Borough Council's "Conditions of Licence" adopted on 7<sup>th</sup> October 1985 the additional conditions detailed on the premise files also apply.

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

***to recommend that the Borough Council renew the Indoor Entertainment's Licences as detailed above and in the case of Blackwater Bar & Restaurant subject to the proviso that an approved electrical test certificate is received. In addition to the Borough Council's "Conditions of Licence" adopted on 7<sup>th</sup> October 1985 the additional conditions detailed on the premise files also apply.***

**374.6 LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) (NORTHERN IRELAND) ORDER 1985 - LICENCE APPLICATION (FOURTEEN UNSPECIFIED DAYS) (RENEWAL)**

**Premises**

**Applicant**

Garryduff Presbyterian Church Hall,  
Garryduff Road,  
BALLYMONEY,  
BT53 7DF.

Mr. Alan Patterson

**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 7<sup>th</sup> October 1985 the additional conditions detailed on the premise file also applies.

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

***to recommend 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 7<sup>th</sup> October 1985 the additional conditions detailed on the premise file also applies.***

## HOME SAFETY

### 374.7 PUBLIC HEALTH AGENCY CONTRACTS HOME SAFETY OFFICER/HOME SAFETY EQUIPMENT SCHEME

The Public Health Agency has issued contracts in relation to the Home Accident Prevention Officer (IFH/N/06) and Home Safety Equipment Scheme (AP/N/03). The contracts are for the period 1<sup>st</sup> April 2011 – 31<sup>st</sup> March 2012. The value is £10,000 in respect of the officer post and £4,754.04 for the Home Safety Equipment Scheme. Although the officer support costs have been maintained as per 2010-2011 levels, equipment scheme funding has been considerably reduced.

**IT IS RECOMMENDED** that Ballymoney Borough Council accept the offer of funding provided by the Public Health Agency and authorize the Director of Borough Services and Deputy Director of Borough Services to sign the contracts on Council's behalf and thereafter ensure compliance with the terms and conditions therein.

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

***to recommend that Ballymoney Borough Council accept the offer of funding provided by the Public Health Agency and authorize the Director of Borough Services and Deputy Director of Borough Services to sign the contracts on Council's behalf and thereafter ensure compliance with the terms and conditions therein.***

## FUEL POVERTY

### 374.8 PUBLIC HEALTH AGENCY CONTRACTS FUEL POVERTY/ENERGY EFFICIENCY ADVICE SERVICE

The Public Health Agency has issued contracts in relation to the above posts, Fuel Poverty Co-ordinator (IFH/N/16) and Energy Efficiency Advice Service (IFH/N/19). These contracts are for the period 1<sup>st</sup> April 2011 – 31<sup>st</sup> March 2012. The level of funding is equivalent to that received for the period 2010-2011.

**IT IS RECOMMENDED** that Ballymoney Borough Council accept the offer of funding provided by the Public Health Agency and further, authorise Director of Borough Services and Deputy Director of Borough Services to sign the contracts on the Council's behalf and thereafter ensure compliance with the terms and conditions therein.

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

***to recommend that Ballymoney Borough Council accept the offer of funding provided by the Public Health Agency and further, authorise Director of Borough Services and Deputy Director of Borough Services to sign the contracts on the Council's behalf and thereafter ensure compliance with the terms and conditions therein.***

## PLANNING APPLICATIONS

### 374.9 PLANNING CONSULTATION RESPONSE

#### **D/2010/0262/F - TARGET SHOOTING RANGE - BALLYBOYLAND QUARRY, 19 TUMMOCK ROAD, BALLYMONEY.**

Members were made aware of an application which has been made to Planning NI in respect of a target shooting range within Ballyboyland Quarry. As a statutory consultee to Planning NI, the Council's Environmental Health Department (BBCEHD) requested the applicant to submit a noise report demonstrating the impact from the proposed development on neighbouring noise sensitive receptors i.e. 11, 12 and 14 Tummock Road. To assist the noise consultant working on behalf of the applicant, Environmental Health Officers from BBCEHD and Northern Group Systems (EH) undertook a joint monitoring exercise on the 20<sup>th</sup> July 2011. The report on this matter was circulated to members.

The Director of Borough Services reminded members of a presentation by Dr Chris Jordan, Northern Group Systems at a previous committee meeting regarding model software used to determine the effect on noise sensitive dwellings. He advised this is an Environmental Health response to Planning Service as a consultee.

***IT IS RECOMMENDED*** that Council respond to the Planning NI in relation to this application recommending approval subject to the condition that only 0.22 rifles are to be used in order to prevent any potential adverse impact on amenity due to noise.

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

***to recommend that Council respond to the Planning NI in relation to this application recommending approval subject to the condition that only 0.22 rifles are to be used in order to prevent any potential adverse impact on amenity due to noise.***

### 374.10 PLANNING CONSULTATION RESPONSE

#### **D/2010/0356/F LOCATION: PROPOSED ALTAVEEDAN WIND FARM IN THE TOWNLANDS OF SHELTON SOUTH, ALDOROUGH, ALTAVEEDAN NORTH AND ALTAVE.**

Further to the receipt of the above planning application on 18<sup>th</sup> January 2011, the Directorate of Borough Services has considered the submitted Environmental Statement entitled "Altaveedan wind farm, Environmental Statement, Volume 1 – Main Report" which contains a noise impact assessment.

As per CM.941 7.4 where the minutes of Health & Environmental Services Committee Meeting No 369 on 22<sup>nd</sup> February 2011 were adopted and the recommendations approved, it was agreed that this Directorate would withhold recommending conditions until such times as the Wind Farm Industry and the Environmental Health Service (across Northern Ireland) could debate and agree appropriate standards.

This Directorate is now in a position to **RECOMMEND** that Council respond to Planning NI that the above development be approved subject to the conditions as circulated to members.



In response to Councillor Cavlan, the Director of Borough Services confirmed that the proposed recommendation related solely to the noise implications of the proposal. Following discussion the Director proposed that the recommendation could be reworded thus – *“that Council respond to Planning NI that were Planning Service minded to approve the development, then it be approved subject to the conditions detailed in respect of noise mitigation.*

The Director further advised that members would have further opportunity to express their views on other aspects of application when the matter was scheduled for consideration by the Councils Consultation Committee.

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

***to recommend that Council respond to Planning NI that were Planning Service minded to approve above development, then it be approved subject to the conditions detailed in respect of noise mitigation.***

## **BUILDING CONTROL**

### **374.11 REJECTION OF BUILDING PLANS - SEPTEMBER 2011**

***IT IS RECOMMENDED*** that Council note that during the report period, its Building Control Service rejected the following application, which contravened the requirements of the Building Regulations (Northern Ireland) 2000, for the reasons stated:-

<b>Application Ref.</b>	<b>Regulation:</b>	<b>Reason for Rejection:</b>
B/2009/0132	A10 & Schedule 2	Failure to provide sufficient information

The applicant and his agent has been issued with a Notice of Rejection of Plans, setting out the reasons for rejection, as required under Article 13 of the Building Regulations (Northern Ireland) Order 1979.

The applicant and his agent has also been notified of their right to appeal, within 56 days, to the Department of Finance and Personnel, as required under Article 17 of the Building Regulations (Northern Ireland) Order 1979.

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

***to recommend that Council note that during the report period, its Building Control Service rejected the following application, which contravened the requirements of the Building Regulations (Northern Ireland) 2000, for the reasons stated.***

### **374.12 CONSULTATION ON PROPOSALS FOR BUILDING REGULATIONS (NI) 2011 PHASE 2**

The Department of Finance and Personnel are currently consulting on major proposals to amend the Building Regulations, as reported to Committee in September 2010 (HES 363.45 refers). This consultation represents the second of three phases of

consultation to introduce a complete new set of regulations in 2012; phase 3 is expected to commence early in 2012.

Officers from the Northern Group Building Control Liaison Team have examined the proposals in detail and prepared a consultation response which was submitted to DFP before the deadline for the consultation period (14<sup>th</sup> October 2011). The response was circulated to members.

The introduction of the new regulations is likely to lead to increased requirements for staff training and IT support systems. There will also be a need to raise awareness across the construction industry.

***IT IS RECOMMENDED*** that Council endorse the response made on its behalf.

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

***to recommend that Council endorse the response made on its behalf.***

## **MATTERS FOR INFORMATION**

### **ENVIRONMENTAL PROTECTION**

#### **374.13 CONSULTATION ON DRAFT HIGH HEDGES GUIDANCE**

The Environmental Policy Division of DoE has issued a consultation seeking views on Draft Guidance to accompany the High Hedges Act (Northern Ireland) 2011. The High Hedges Bill was introduced to the Assembly on 26<sup>th</sup> April 2010 and received Royal Assent on 3<sup>rd</sup> May 2011, becoming the High Hedges Act (Northern Ireland) 2011.

Responses have been invited by 5.00pm on 11<sup>th</sup> November 2011.

Councillor Finlay reported on discussions held at the Housing Council relating to fees. The Director advised that the legislation had been framed in such a way to ensure that a complainant whose complaint was upheld would not be out of pocket as result of having to invoke the measure. Discussion also took place on other possible liability issues.

## ENVIRONMENTAL SERVICES

### 374.14 MUNICIPAL WASTE RETURNS

<u>Waste Type</u>	<u>Sept 2010</u>	<u>Sept 2011</u>	<u>Apr 10 – Sept 10</u>	<u>Apr 11 – Sept 11</u>
Mixed Residual Waste (waste direct to landfill)	782.88t	734.30t -6.21%	4,701.79t	4,501.16t -4.27%
Mixed Dry Recyclables (blue bin recycling)	144.26t	141.26t -2.08%	817.07t	849.15t +3.93%
Garden Waste (brown bin recycling)	153.80t	144.78t -5.86%	1,064.92t	1,089.82t +2.34%
Waste Recovery (segregated HRC waste)	88.36t	55.26t -37.46%	560.18t	428.30t -23.54%
Cardboard	6.91t	6.10t -11.72%	40.81t	38.09t -6.67%
Timber*	n/a	32.06t	n/a	181.14t

\* Timber recycling commenced 1<sup>st</sup> November 2010.

### 374.15 CROSSTAGHERTY WASTE HANDLING & TRANSFER FACILITY

On the morning of 5<sup>th</sup> October the CASE loading shovel went on fire whilst it was being used within the mixed dry recyclates side of the Council's transfer station. The loading shovel has been damaged beyond repair and the building fabric was also damaged. As a consequence of the fire, interim arrangements (with the assistance of a neighbouring Council) were put in place. It was possible to reinstate part of the Council's normal operation on 13<sup>th</sup> October.

The Director drew attention to the fact that it was fortunate that there was no loss of life or injury due to the serious fire which had occurred and paid tribute to his staff for their actions both on the day in question and subsequently. He updated members on the current arrangements at the transfer station and additional costs involved and stated that the normal suspension of the brown bin service during the winter months at the end of the week would aid the situation. He explained that as yet a structural engineer had to visit the site and that loss adjustor reports were awaited. He outlined the damage which had occurred and responded to member questions on the cost of hiring and replacing the loading shovel, insurance cover, etc. The Director **RECOMMENDED** that given the extra cost being incurred for the hire of a replacement loading shovel, that a replacement loading shovel be procured as soon as possible although Council had not budgeted for this expenditure in the current year. He advised members as to the probable cost that plant required.

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

***to recommend that Council tender for a replacement loading shovel.***

- \* Councillor McAfee left the meeting at 8.00pm.

The Director stated that since the building was being used to accommodate four different waste types presently, although it had been designed only with two streams in mind, that options would be prepared for Council to consider at the time the reinstatement of the building was being discussed. He suggested that a visit be arranged for members to the Crosstagherty site and advised that he would circulate dates to facilitate this.

- \* Councillor Finlay left the meeting at 8.07pm.

The Director responded to Alderman Campbell's query regarding the return, stockpiling and eventual use of green waste collected by Council as a material it could use when the site would be finally closed and capped, explaining both the legislative and economic implications of the proposal.

### **374.16 CALOR ENVIRONMENTAL VILLAGE OF THE YEAR 2011**

For the second year in a row, Cloughmills has been awarded the title of Calor Environmental Village of the Year. This award is open to villages across Northern Ireland and recognises a broad range of achievements in the past year. The final shortlist of 11 villages were assessed in September by a panel of three judges and they said of their time at Cloughmills:

'An inspirational visit to a hardworking and innovative community. They are developing projects which will surely excel as models of best practice and have a great vision for the future.'

The award celebrates the ongoing successes of Cloughmills with strong leadership by the Community Action Team and Patrick Frew in particular. Council works closely with the Action Team to develop and deliver services which are improving life for all.

The Calor Award sits alongside the inclusion of Cloughmills in a new booklet 'Futureproofing Rural Communities'. This is produced by the Rural Development Council and Cloughmills is one of the very few community examples documented. Both the award and booklet are noteworthy because they focus attention on Ballymoney as a place where innovation can flourish when Council and community work together.

The work of Community Action Team and Council officers was commended in the success of obtaining the title of Calor Environmental Village of the Year for two successive years.

## LICENSING

### 374.17 LICENSING (NORTHERN IRELAND) ORDER 1996

<u>Applicant</u>	<u>Purpose</u>	<u>Date</u>
Pauline Mary Gallagher, 19 Church Street, BALLYMONEY.	Occasional Licence Application 22/10/11 at Joey Dunlop Leisure Centre (The 2011 Ballymoney Sports Awards).	3/10/11

## FUEL POVERTY

### 374.18 WINTER FUEL PAYMENTS

Age Sector Platform is campaigning against the Government's proposed cuts to the winter fuel payment. Last winter, Northern Ireland faced the coldest December in over 100 years. During 2009/2010, there were 756 people aged 65+ who died of cold related illnesses in Northern Ireland, yet this year the winter fuel payment for older people is being reduced by £50 for people aged between 60 and 80 and by £100 for those over 80.

Age Sector Platform is asking people to register support for their campaign to have this decision reconsidered by following the link below:

<http://www.agesectorplatform.org/index.php/fight-the-fuel-cut/>

The Chair asked members to note this matter.

Grants for Insulation and Heating:

The Warmer Ways to Better Health scheme is funded by the Northern Ireland Sustainable Energy Programme. Ballymoney Borough Council has 17 spaces still available for loft and/or cavity wall insulation. The scheme is open to home owners or private tenants who meet the following income criteria:

- Single person household with an income/pension of less than £18,000 gross OR
- Couple or single parent family with an income/pension less than £25,000 gross OR
- Single person/couple over the age of 70 with an income/pension of less than £30,000 gross

As the scheme is likely to close in November, referrals can be made by contacting Barbara Gray, energy efficiency adviser in the Council, at 028 2766 0257 or emailing [b.gray@ballymoney.gov.uk](mailto:b.gray@ballymoney.gov.uk).

**This being all the business the meeting closed at 8.24pm.**