

**Ballymoney Borough Council
Council Meeting No 945 – 4th July 2011**

Table of Contents

945.1	Condolences	
945.2	Congratulations	
945.3	Minutes of Council Meeting 944 – 6 th June 2011 Matters Arising 3.1 NE Peace III Programme – Leadership in a Shared Society 943.9 (944.3.2)	<i>Adopted subject to amendment.</i>
945.4	Consultation Committee No 62 – 6 th June 2011 & Consultation Committee No 63 – 20 th June 2011	<i>Received.</i>
945.5	Minutes of Development Committee No 226 – 13 th June 2011 5.1 Addendum	<i>Adopted including addendum at 945.5.1.</i>
945.6	Minutes of Leisure and Amenities Committee No 385 – 21 st June 2011 Matters Arising 6.1 Stranocum & District Development Community Association (385.17.1) 6.2 Land at Rasharkin Cemetery 376.5 (385.19.2) 6.3 Fence at Balnamore (385.19.1)	<i>Adopted</i> <i>Grant Stranocum & District C A £1,000.</i>
945.7	Minutes of Health & Environmental Services Committee No 372 – 23 rd June 2011 7.1 Bonfire at Lislagan Cross Roads 7.2 Green Waste Processing (372.4)	<i>Adopted.</i> <i>Write to DRD Roads Service.</i>
945.8	Minutes of Corporate & Central Services Committee No 396 – 27 th June 2011	<i>Adopted.</i>
945.9	Minutes of Audit Committee No 21 – 27 th June 2011	<i>Adopted.</i>
945.10	Seal Documents a) Grave Certificates b) Contract for Ballybogey Community Centre	<i>Sign and affix seal of Council.</i>
945.11	Reports from Officers 11.1 Declaration of Interest 11.2 Disqualification and Vacation of Office	<i>Tabled.</i>

945.12	Autism NI	
945.13	Regional Transportation Strategy 2011	<i>Endorse NILGA response.</i>
945.14	District Policing Partnerships – filling Vacancies	<i>Write to Minister for Justice.</i>
945.15	Quarry Product Association (NI) Limited – Agenda 2011-2015	
945.16	NEELB Appointment	
945.17	NI Ombudsman - Report	
945.18	PPS2 - AONB	<i>Endorse NILGA response.</i>
945.19	Appointment of Diversity champions	<i>Head of HR and Councillor Stevenson.</i>
945.20	Appointments – Northern Local Commissioning Group	
945.21	Patient and Client Council – Peoples views about prescription charging and products available on prescription	
945.22	Consultation on the Potential for extending the natural Gas Network in NI	
945.23	Roads Report 2011/12	
945.24	NILGA Councillor Guide	
945.25	Distribution of Members’ papers	
945.26	Reports	

BALLYMONEY BOROUGH COUNCIL

Minutes of Council Meeting No 945 held in the Council Chamber, Riada House, Ballymoney on Monday 4th July 2011 at 7.00 pm.

IN THE CHAIR: Councillor I Stevenson, Mayor

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

Councillors
J Atkinson
W Blair
A Cavlan
J Finlay
R Halliday
P McGuigan
T McKeown, Deputy Mayor
C McLaughlin
R Robinson

APOLOGIES: Alderman C Cousley, MBE
Councillor M Storey, MLA

IN ATTENDANCE: Chief Executive
Director of Central and Leisure Services [Items 1-11]
Deputy Director of Borough Services [Items 1-11]
Head of Corporate and Development Services
Committee Clerk
Press x 2 [Items 1-11]

945.1 CONDOLENCE

The Mayor addressed the meeting as follows:

“It is with sadness that I learned of the passing of a former member of this Council, William Gracey, from Dervock and I extend to his wife May, daughters Jill and Gail and the family circle our deepest sympathy.

William served on this Council from 1981-1987 and took an active interest in the welfare of his local community, representing their needs and concerns to Council.

I also convey Councils deepest sympathy to our former colleague, Roy Wilson, and his family circle on the passing of his mother. Our thoughts and prayers are with Roy and his family at this sad time”.

Members stood in silent tribute.

945.2 CONGRATULATIONS

The Mayor recorded congratulations to Michael Dunlop on his Isle of Man TT win in the Royal London 360 Superstock Race and to Rory McIlroy on his victory in the US Open Golf Championship.

“Northern Ireland has many sporting champions”, he said, “and they bring great credit to their local areas and to Northern Ireland. We are proud of them”.

Councillor Kennedy associated himself with the congratulations to Michael Dunlop on his success at the TT Races, keeping the motorcycling Dunlop Dynasty alive.

The Mayor expressed delight to learn of the success of Cloughmills Happiness Project, Peas and Love, in the Peoples Millions annual phone voting competition last week. For almost two years Cloughmills Community Action Team has been developing the Incredible Edible project and Council has played a key role in encouraging this local community to explore the potential to make Cloughmills a more sustainable community, where people feel safe and valued and where emotional and physical needs are met. This recent award of almost £60,000 will enable the further roll out of this exciting project. Very well done Cloughmills and thanks to all those in the community who supported them and voted for them.

Members keenly associated themselves with Councillor Stevenson’s comments, congratulating Cloughmills Community Action Team, to Environmental Services staff for their vision and paying credit to all involved with the project and commenting on the great asset to the village and its community.

MINUTES OF COUNCIL MEETING NO 944 – 6TH JUNE 2011

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

that the minutes of meeting No 944 – 6TH June 2011, as circulated, be confirmed as a correct record.

Matters Arising:

3.1 NE PEACE III Programme - Leadership in a Shared Society 943.9 (944.3.2)

The Chief Executive reported that he had investigated the matter raised by Councillor Robinson at the June meeting and was satisfied that there was no impropriety by any member of council staff. He had written to the councillor on the matter; and they also discussed it subsequently to his letter and agreed that there was a misunderstanding.

Councillor Robinson asked for the minute to be amended from:

” She alleged that a fellow delegate from the Borough had been supplied with corporate gifts”.

To:

“She alleged that a fellow delegate from the Borough had *claimed to have been* supplied with corporate gifts”.

(Minute 3.2 (page 5), paragraph 6 In committee.....)

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

that the minutes of meeting No 944 – 6TH June 2011, as circulated, be confirmed as a correct record subject to the amendment set out above at 3.1.

945.4 CONSULTATION COMMITTEE NO 62 – 6th JUNE 2011 AND CONSULTATION COMMITTEE NO 63 – 20TH JUNE 2011

Councillor Cavlan presented the reports.

It was **AGREED:**

that the minutes of meeting No 62 on 6th June 2011 and meeting No 63 on 20th June 2011 as circulated, be received.

945.5 DEVELOPMENT COMMITTEE NO 226 – 13TH JUNE 2011

Alderman Kennedy presented the report.

5.1 Addendum London 2012 Olympic Torch (226.4) presented by Councillor Finlay.

IT IS RECOMMENDED that :

1. Council authorise the Development Committee Chair, The Mayor and the 2012 Representative (Alderman Campbell) to act as a Development Committee 2012 Steering Group;
2. The Group progress the application to LOCOG for the Olympic torch to visit the borough, and the “Communities on the route agreement”;
3. The Group receive and consider a report on costs and make recommendation to Council for approval at its meeting on 25th July 2011.

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

that the minutes of Development Committee Meeting No 226 on 13th June 2011, as circulated, be adopted and the recommendations therein approved and the addendum as set out in 945.5.1.

945.6 LEISURE AND AMENITIES COMMITTEE NO 385 – 21ST JUNE 2011

Alderman Campbell presented the report.

Matters Arising

6.1 Stranocum & District Development Group (385.17.1)

Councillor Robinson proposed Council should not adopt the recommendation at 385.17.1 and that the Group get help to the amount of £1,000 for flower decoration of the village explaining that the Group had completed a door-to-door collection within the village, however, they were £1,000 short of the target required. She referred to Council's decision to enter the village in the Translink Ulster in Bloom 2011 Competition of which judging has already started and feels Council should assist through a contribution on this occasion.

It was proposed by Councillor Robinson, seconded by Alderman Campbell:

to recommend that Council grant £1,000 to Stranocum & District Development Group for assistance towards plants

Councillor McGuigan, Councillor Cavlan and Councillor Kennedy expressed the view that all villages should receive equal treatment.

As an amendment it was proposed by Councillor McGuigan, seconded by Councillor Cavlan:

that Council grant £1000 to all 11 Villages within Ballymoney Borough for assistance towards plants.

In response Councillor Robinson stated that she had no issues with all villages obtaining funding but that as Council had entered Stranocum into the Translink Ulster in Bloom Competition and no other Village within the Borough had been entered she felt that Council should make the contribution to assist the association in their efforts to provide floral displays, the Association having spent upwards of £5,000 on planting.

A discussion ensued among members about efforts by other villages to enhance the appearance of the village through floral displays.

Councillor Robinson advised that she had personally provided plants to Ballybogy Community Association and had asked for any plants surplus to Council's requirements be given to Ballybogy Community Association. Councillor Cavlan expressed the view if there were surplus plants there needed to be a discussion around how they might be distributed.

In response to comments by Councillor Robinson about Council's commitment to floral displays in Ballymoney town centre, also entered in the Ulster in Bloom Competition, Head of Corporate and Development Services clarified that local town businesses met the cost of window boxes at their premises, a contribution which was valued and had been the subject of favourable comment by the Competition Judges.

The Mayor put the amendment to the meeting. Councillor Robinson requested a recorded vote. 4 voted for the amendment while 6 members voted against and 3 abstained. Chair declared the amendment lost.

Voting was recorded as follows.

For (4)	Against (6)	Abstained (3)
Alderman Connolly	Councillor Atkinson	Alderman Kennedy
Councillor Cavlan	Councillor Blair	Councillor McKeown
Councillor McGuigan	Alderman Campbell	Councillor Stevenson
Councillor McLaughlin	Councillor Finlay	
	Councillor Halliday	
	Councillor Robinson	

The Mayor put the motion to the vote. 7 members voted for the motion, 2 voted against while 4 abstained. Chair declared the motion passed.

Voting was recorded as follows.

For (7)	Against (2)	Abstained (4)
Alderman Campbell	Councillor McGuigan	Alderman Connolly
Councillor Atkinson	Councillor McLaughlin	Alderman Kennedy
Councillor Blair		Councillor Cavlan
Councillor Finlay		Councillor McKeown
Councillor Halliday		
Councillor Robinson		
Councillor Stevenson		

Alderman Kennedy queried as to where the £1,000 contribution would come from.

It was proposed by Councillor Robinson, seconded by Alderman Campbell:

that the contribution to Stranocum & District Development Group of £1,000 for assistance towards plants, be met from Amenities budget and if there is no surplus at year end then it be taken from Reserves;

Councillor Robinson further stated that in the financial year end 2010/11 her understanding was that there is a financial surplus of approximately £200,000. Councillor Kennedy expressed concern at money being taken from reserves pointing to the requirement by the Local

Government Auditor for Council reserves to be built up. He said this was bad practice and rather Council should include contingency in budgets for unforeseen spend requirements.

The Mayor put the motion to the vote, 6 voted for, while 4 voted against. Chair declared the motion carried.

It was proposed by Alderman Campbell, seconded by Alderman Connolly and AGREED that:

the minutes of Leisure & Amenities Committee No 385 –21st June 2011 as circulated, be adopted and the recommendations therein approved with the exception of 385.17.1.

6.2 Land at Rasharkin Cemetery 376.5 (385.19.2)

Councillor Halliday requested an update regarding letting of land. The Deputy Director was unable to respond and shall ask the Director to respond at the next Council meeting in August.

6.3 Fence at Balnamore (385.19.1)

Councillor Finlay referred to the issue previously raised and said he would appreciate it being dealt with at an early date. The Deputy Director shall check the position and correspond with the member concerned.

945.7 HEALTH AND ENVIRONMENTAL SERVICES COMMITTEE NO 372 – 23RD JUNE 2011

Councillor Robinson presented the report.

7.1 Bonfire at Lislagan Cross Roads

Councillor McGuigan raised the issue of the bonfire and site hut at Lislagan Cross Roads stating that the hut was obstructing the corner and there was no visibility and feared an accident may happen.

It was proposed by Councillor McGuigan, seconded by Councillor Cavlan:

that Council write to DRD Roads Service to request that they have the obstruction removed at Lislagan Crossroads.

Alderman Kennedy felt that it would be better to involve local Councillors to seek a resolution instead of asking Roads Service to act.

Councillor Atkinson stated that he had been speaking to the people concerned at the location and was trying to resolve the matter as soon as possible.

Councillor McGuigan feared that as nothing had happened to resolve the matter in the last week the matter needed to be resolved with certainty given it presented a danger to road users.

The Mayor put the motion to the meeting, 3 members voted for the proposal, 0 voted against, Mayor declared the motion carried.

The Deputy Director of Borough Services welcomed the intervention by members and advised that Roads Service were aware of the issues and have been in contact with all relevant authorities and are trying to resolve the issue as quickly as possible.

Matters Arising

7.2 Green Waste Processing (372.4)

Councillor Robinson urged residents to control and drastically reduce the items put into the grey bins. She stressed that every person in the Borough ought to put items into their blue bin and to increase recycling.

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

that the minutes of Health & Environmental Services Committee Meeting No 37 – 23rd June 2011, as circulated, be adopted and the recommendations therein approved.

945.8 CORPORATE AND CENTRAL SERVICES COMMITTEE NO 396 – 27TH JUNE 2011

Councillor McKeown presented the report.

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

that the minutes of Corporate & Central Services Committee Meeting No 396 on 27th June 2011, as circulated, be adopted and the recommendations therein approved.

945.9 AUDIT COMMITTEE NO 21 – 27TH JUNE 2011

Councillor Stevenson presented the report.

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

that the minutes of the Audit Committee No 21 – 27th June 2011, as circulated, be adopted and the recommendations therein approved.

945.10 SEAL DOCUMENTS

a) Grave Certificates

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

that the Seal of Council be affixed to Grave registration certificate numbers 0014, 1241, 1242, 1244, 1245, 1246, 1247, 1248.

b) Standard Building Contract with JS Dunlop for alterations to Ballybogey Community Centre.

- * Director of Central and Leisure Services left the meeting at 8.05pm.
- * Deputy Director of Borough Services left the meeting at 8.05pm.

945.11 REPORTS FROM OFFICERS

* DECLARATION OF INTEREST 11.1 Declaration of Interest

Chief Executive advised that Alderman Frank Campbell had written and declared an interest that a family relationship exists with a member of council's staff. This has been duly noted as required.

11.2 Disqualification and Vacation of Office

The Chief Executive advised the meeting as follows:

"The investigation by the police into possible breaches of the law in regard to the election of Councillor McAfee is ongoing and I cannot make any comment on that matter. However, much has been written in the local press on the subject and it may be helpful to members if I set out some of the law as it applies to disqualification for being elected or being a councillor, penalties for acting as a councillor while disqualified and vacation of the office of councillor through non-attendance.

These issues are included in the Local Government Act (Northern Ireland) 1972, Chapter 9 ("the 1972 Act"), the full text of which can be found at <http://www.legislation.gov.uk/apni/1972/9/contents>. This legislation is where district councils in Northern Ireland derive most of their powers. Other legislation, notably the Electoral Law Act (Northern Ireland) 1962, Chapter 14, (see <http://www.legislation.gov.uk/apni/1962/14>) covers in detail the criminal law in relation to elections and the procedures whereby breaches of the law can be dealt with.

Section 4 of the 1972 Act sets out the grounds on which a person can be "disqualified for being elected or being a councillor". One grounds for disqualification is if "he holds any paid office or other place of profit ... in the gift or disposal of that or any other council." However if someone is disqualified as defined in this section, the Act does not give the council itself any power to deal with the matter.

Section 6 states that "if any person acts or purports to act as a councillor while disqualified within the meaning of this section for so acting, he shall be guilty of an offence..." Again, no power to deal with an offence is given to council itself.

Section 9 states that "if a councillor fails throughout a period of six consecutive months from the date of his last attendance to attend any meeting of the council, he shall, unless the

failure was due to some reason approved by the council before the expiry of that period, cease to be a member of the council.”

Section 10 states “Where a councillor ceases to be a councillor by reason of failure to attend meetings of the council; the council shall forthwith declare his office as councillor to be vacant and signify the vacancy by notice signed by the clerk of the council and published in such manner as the council directs.”

The position as I understand it therefore is as follows: -

Council cannot take any action against a councillor who is elected while disqualified for being elected. Council also cannot take any action against a person who acts as a councillor while disqualified. These are both criminal matters and are for the police and the courts to deal with. However, where a councillor fails to attend any meetings for a six-month consecutive period, that councillor ceases to be a member of council; council must then declare the office to be vacant and I must publish that fact in the way that council directs me.”

Councillor Finlay asked the Chief Executive if he was able to confirm that no elected Councillor or candidate had made any complaint in relation to Councillor McAfee’s candidature. In response the Chief Executive advised that neither had made a complaint to him.

- * **Councillor McGuigan left the meeting at 8.14pm.**
- * **Press x 2 left the meeting at 8.14pm.**

945.12 AUTISM NI

Autism NI have written to appeal for Council’s intervention on the decision by WHSCT to terminate ASD Family Support Service contract which represents an immediate removal of the only front line dedicated family support service to families living with ASD within WHSCT. It leaves 2 Social workers to meet the various and complex needs of an estimated 3,000 plus extended families across a vast geographical area.

The decision is set against 20 years of empowerment activity, growing expertise and resource investment by Autism NI (to help address the huge legacy of underinvestment by WHSCT) culminating in a 6 year project to establish a mainstreamed (recurrent) integrated early intervention and family support service within a voluntary/statutory partnership model. Autism NI has invested over £500k in developing early intervention and family support services in WHSCT area, alongside the Children’s Fund from 2004 until March 2011, when Children’s Fund ended. This voluntary sector/family support service was built on top of this investment, and is now being axed.

The decision taken by WHSCT is in the absence of effective consultation and is set against a background of ongoing negotiations to evolve and develop the service as well as a wider context of growing need which has been acknowledged throughout the unique regional campaign behind the Autism Act (NI) Act. The decision taken by WHSCT is taken in the face

of evidence presented to them which highlights the effectiveness of the existing service. A factsheet was circulated.

Council's support and intervention on this issue is invited.

No comments were made.

945.13 REGIONAL TRANSPORTATION STRATEGY 2011

A draft NILGA response to the Regional Transportation Strategy produced further to its policy event on 15th June was circulated at the meeting.

Council is invited to endorse the response.

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

that Council endorse the draft NILGA response to the Regional Transportation Strategy produced further to its policy event on 15th June attached as Appendix A.

945.14 DISTRICT POLICING PARTNERSHIPS – FILLING VACANCIES

Castlereagh Borough Council has written regarding the arrangements for filling vacancies of political members on District Policing Partnerships, following the recent Local Government Elections.

The Northern Ireland Policing Board, have interpreted the legislation with regard to the transition to form new Policing and Community Safety Partnerships (PCSP's), after an Election, to be as for previous occasions. This means that any Political Member before the Election, who did not stand or was not returned cannot be replaced until the recruitment of the new Independent members has been completed. However, due to delays in finalising the arrangements for the formation of the PCSP's, it could be up to twelve months before this is completed.

Castlereagh Borough Council believes that this delay is unacceptable and leaves a significant period where there will be a political imbalance in the makeup of many District Policing Partnerships.

The Council has written to all Councils in Northern Ireland asking that they write to the Minister for Justice urging him to intervene and permit Councils to fill Political Member vacancies on DPP's until the new PCSP's are formed.

Council is invited to consider this request.

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

that Council write to the Minister for Justice urging him to intervene and permit Councils to fill Political Member vacancies on DPP's until the new PCSP's are formed.

945.15 QUARRY PRODUCT ASSOCIATION (NI) LIMITED – AGENDA 2011-2015

The Quarry Products Association Northern Ireland agenda document ‘Delivering for Northern Ireland supporting the recovery’ is circulated. Their 5 point Agenda deals with:

- 1) Economic conditions that support investment.
- 2) Better government support for an essential industry.
- 3) A reasonable “licence to operate”.
- 4) Proportionate legislation and regulation.
- 5) Recognition of progress.

Every year, Northern Ireland produces 25 million tonnes of aggregates, supplies materials worth over £600M, directly and indirectly employs over 4,500 people and underpins the £2 billion construction sector. Every £1 invested in construction generates £2.84 in total economic activity - construction relies on quarry products.

***(Note: Quarry Products:
Aggregates (sand and gravel, basalt, gritstone, limestone)
Asphalt – cement
Concrete – mortar – lime – recycled aggregates)***

945.16 NORTH EASTERN EDUCATION AND LIBRARY BOARD (NEELB) – APPOINTMENT

The Department of Education has advised that the Minister for Education on 22nd June issued a formal letter of appointment to Councillor Evelyne Robinson re-appointing her to the Board of the North Eastern Education and Library Board with effect from 23rd June 2011.

945.17 NORTHERN IRELAND OMBUDSMAN – REPORT

The Northern Ireland Ombudsman Annual Report for 2010/11 has been published and is available online via the website at www.ni-ombudsman.org.uk. The Reports of the Assembly Ombudsman and the Commissioner for Complaints are published as a single volume.

945.18 PPS2 – AREAS OF OUTSTANDING NATURAL BEAUTY

NILGA have prepared a draft response to the consultation document and draft guidance published by the Department of Environment on PPS2 Areas of Outstanding Natural Beauty which considers the proposed planning policy on Natural Heritage. A copy of the response, which is due for submission on 8th July, was circulated.

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

that Council endorse the NILGA draft response to the consultation document and draft guidance published by the Department of Environment on PPS2 Areas of Outstanding Natural Beauty which considers the proposed planning policy on Natural Heritage, attached as Appendix B.

945.19 APPOINTMENT OF DIVERSITY CHAMPIONS

The Local Government Staff Commission wishes to build on the success of its equality initiatives [a] Women in Councils and [b] Disability in Councils by establishing a single Equality & Diversity Group which will encompass the work of the Women's Development Steering Group and the Disability in Councils Stakeholder Group and also include other equality and diversity work in councils including Section 75 statutory duties. One of the key elements of the initiative will be the appointment of a network of Diversity Champions to actively promote the equality and diversity agenda in councils.

The current Gender Champion is Councillor Robinson, while the Disability Champion is Councillor Stevenson. The Head of HR is Council's gender and disability champion and will assume the additional responsibilities.

Council is invited to commit to the initiative and to appoint an officer and elected member to act as Diversity Champions. A draft role specification was circulated.

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

that Council commits to the Diversity Champions initiative and appoints the Head of Human Resources and Councillor Stevenson to act as Officer and elected Diversity Champions respectively.

945.20 APPOINTMENTS – NORTHERN LOCAL COMMISSIONING GROUP

The Health & Social Services Care Board is seeking to appoint locally elected representative members and independent contractors to its Local Commissioning Groups (LCGs). The LCGs are sub-committees of the Health & Social Care Board and are coterminous with their respective Health & Social Care Trust area. The current locally elected representatives are Councillor David Barbour, Councillor Tommy Nicholl and Councillor Adrian Watson. The advertisement to fill the positions appeared in the Belfast Telegraph on 24th June and the closing date is 15th July at 12 noon. Information pack and application form is available from job.csa@hscni.net.

945.21 PATIENT AND CLIENT COUNCIL – PEOPLES VIEWS ABOUT PRESCRIPTION CHARGING AND PRODUCTS AVAILABLE ON PRESCRIPTON

The Patient and Client Council has written to advise of the publication of the report on the above subject. This can be downloaded from the website www.patientclientcouncil.hscni.net . A copy has been placed in the members' room. Anyone who wishes a copy printed off should contact the Office of the Chief Executive.

945.22 CONSULTATION ON THE POTENTIAL FOR EXTENDING THE NATURAL GAS NETWORK IN N.I.

The Department of Enterprise Trade & Investment is seeking views and comments on how the natural gas network in Northern Ireland might be extended. A public consultation on the potential was launched on 27th June and is available on the DETI website at www.energy.detini.gov.uk The deadline for responses is 30th September 2011.

945.23 SPRING ROADS REPORT 2011/12

A copy of the Roads Service Report 2011/12 has been issued to members under OCE memo dated 1/7/2011. Roads Service officials will attend the Consultation Committee on 21st November to present the Autumn Report. Enquiries on the form provided should be passed to Roads Service for attention.

945.24 NILGA COUNCILLOR GUIDE

NILGA have forwarded a Councillor Guide USB pen for each member and these have been passed to members at tonight's meeting.

945.25 DISTRIBUTION OF MEMBERS' PAPERS

Councillor Finlay referred to the amount of meeting papers and other documents sent by post to Members. He suggested as an efficiency measure that members who were frequently at council offices collect post, reducing the amount to be posted. Chief Executive agreed to make arrangements.

945.26 REPORTS

The Chief Executive referred to the schedule of reports received, copy circulated, which are available from the Office of the Chief Executive.

Appendix A: Draft NILGA response to the Regional Transportation Strategy produced further to its policy event on 15th June

Appendix B: NILGA response to PPS2 – Natural_Heritage

APPENDIX A

Draft NILGA response to the Regional Transportation Strategy

NILGA draft Response to Regional Transportation Strategy 2011 - A Sustainable Transport Future

The following is the NILGA draft response to the Consultation Document published by the Department in J2011 and requiring response by 28th June 2011. This paper was drafted following a consultation event held in Cookstown on 15th June 2011 **and will be considered by the NILGA Executive Committee on 24th June 2011.**

This Consultation considers the Department's review proposals to address the changing policy context for transport planning. The speed and direction of change in society has prompted the need for review of the existing Strategy. The increase in population and vehicles has placed significant pressures on our transportation networks coupled with fiscal constraints and the need to reduce our environmental impacts.

The revised Strategy is different from the current strategy in that it is not constructed on schemes and projects. Rather it seeks to set the High Level Aims and the Strategic Objectives for transport in the region that should form the basis for future decision-making about funding priorities. At its core is a move towards greater sustainability which will contribute positively to growing the economy, improving the quality of life for all and reducing the transport impacts on the environment.

The Regional Transportation Strategy will have a significant impact on councils and their development potential, and NILGA has encouraged all councils to respond robustly to this consultation.

For further information or to discuss any of the issues highlighted, please contact Karen Smyth at the NILGA Offices at k.smyth@nilga.org Tel: 028 9079 8972

**Derek McCallan
Chief Executive
22nd June 2011**

1.0 INTRODUCTION

NILGA, the Northern Ireland Local Government Association, is the representative body for district councils in Northern Ireland. NILGA represents and promotes the interests of local authorities and is supported by all the main political parties in Northern Ireland. Transportation is a key issue for local government due to the huge impact it has on our communities.

NILGA welcomes the opportunity to respond to this consultation and would like to thank the Department of Regional Development for its help and support in facilitating a local government consultation event on 15th June 2011, which allowed over 50 councillors and local government officers from 17 local authorities the opportunity to put their views forward on this important issue. This response is based on the views expressed during this consultation event.

For further information regarding this response, please contact Karen Smyth at the NILGA offices on (028) 9079 8972 or at k.smyth@nilga.org.

2.0 KEY ISSUES FOR LOCAL GOVERNMENT

1. The Regional Transportation Strategy should be integrated with other key strategic policies such as the Regional Development Strategy, Regional Economic Strategic and the Investment Strategy.
2. There is also a need for cross-departmental transport solutions to be reached in order to achieve efficiencies and value for money.
3. Local communities must be engaged in order to understand local need. Local government should be involved in this process due to their experience and expertise in engaging with local communities.
4. An integrated transport system, with links to key towns and cities across Northern Ireland will be crucial to the success of the Strategy. Cross-border links will also be important in growing the economy.
5. The Strategy should be coupled with an action plan for implementation and a Performance Framework with clear and concise indicators for success.

3.0 CHALLENGES FOR TRANSPORT TO 2025

At the consultation event, delegates were generally in agreement with the challenges outlined in the consultation document and emphasised the importance of the economy, infrastructure and road safety as the key challenges.

A number of additional challenges have been identified which are outlined below:

3.1 Public Transport and Active Travel

We need to begin to make public and active transport more attractive by improving services in order to encourage car users to utilise other ways to make journeys which would consequently reduce traffic congestion – for example, bus lanes, the use of car pooling, cycle lanes, shared cycle schemes and bicycle lock up points. The development of provisions designed to increase road safety such as footpaths and cycle paths should also encourage more people to walk and cycle for shorter journeys.

Public transport needs to be easy for the public to use and understand. If we are to increase public confidence in public transport, there must be an appropriate frequency of service. While it is necessary to have a high frequency of service provision at peak times, it is the opinion of members that services to rural areas is unsatisfactory or non-existent at other times, and this can have a serious socio-economic impact, particularly in the evenings.

The cost of public transport, particularly in rural areas must be revisited. If we are to encourage people to use public transport, it must be economically viable for the user to do so. It is suggested that it is cheaper for people living in rural commuter towns to drive to Belfast rather than use the bus or the train.

It was also recommended that Park and Ride provision should be expanded, with attention paid to location. This provision could help prevent congestion in Belfast and should be placed at strategic points as far away from Belfast as possible to be most effective. It is evident from a build up of cars at various points close to motorways, that more provision is needed. Park and Ride/ Park and Share facilities should also be improved, for example, lighting, bus shelters and supervision, to allow users to feel safe.

It was noted that some specialist services needed to be marketed and advertised more to ensure adequate take-up from the public. The example of a connection service in Larne to the local cinema was raised, which protects cinema-goers from having to cross a busy road and allows users to get a discount on their cinema ticket. This service has had a very low user uptake and it is suggested that locals were not aware of the service being available.

There needs to be a shift in mindset if we are to be successful in moving people from using their cars for all journeys to using public transport and using their bicycles or walking when making shorter journeys. It is recommended that attempts to change behaviour should be introduced at an early age through education. Schemes that encourage pupils and parents to cycle or walk to

school and linked to other actions contained within the Obesity Prevention Strategy for NI would be encouraged.

3.2 Sustainable Travel

A number of locally elected members expressed concern regarding the rising cost of fuel and therefore the rising costs associated with running a car.

It has been recommended that there should be more emphasis in Northern Ireland on trains and developing the railway network to improve user take-up of public transport. It was suggested that a fleet of electric buses and trains should be procured and utilised to respond to both the transport and energy needs of the future. It would also be important for the NI Executive to further develop their Strategic Energy Policy (in particular relation to the location of wind turbines and wind farms) to ensure that Northern Ireland has a renewable, green energy option moving forward.

Furthermore, it has been suggested that road tax should be incorporated into the cost of fuel, therefore allowing car users to pay road tax only when they are using the road; and therefore incorporating the 'polluter pays principle'. It is appreciated that this may disadvantage rural dwellers more so than urban dwellers, nonetheless it is a suggestion that could be explored by HM Treasury and the NI Executive.

3.3 Co-ordination

It will be important to make best use of the transport systems already in place and further integration of the network will be crucial. It is noted that a number of targets in the existing Regional Transportation Strategy have not been met due to a chronic lack of investment. A balance will need to be struck between limited resources and competing consumer needs. This will mean partnership working across government departments, local government, community transport service providers and the private sector.

A number of delegates expressed concern regarding the revision of the Regional Transportation Strategy without the completion of the revised Regional Development Strategy, ISNI 3 and a Regional Economic Strategy. It is crucial that all government policy is integrated to ensure delivery of all policies and strategies is as effective and efficient as possible. It is also suggested that other strategies such as community planning, health and tourism are dovetailed into the revised Regional Transportation Strategy to maximise effectiveness.

3.4 Finance and resources

While it is recognised that we live in a time of financial austerity, it will be important that funding is found to implement the proposals contained within the revised Regional Transportation Strategy, particularly as a good transport infrastructure can help attract inward investment and tourism.

There needs to be a greater link between economic policy and public transport. It is recommended that the potential be explored for developing better transport links for economic gateways such as the airports and to develop first class services around the main arterial routes (e.g. broadband/ office space) to make Northern Ireland an attractive place to invest and to set up business.

A number of delegates questioned the policy of financing free school buses to all school pupils and suggested that school bus passes should only be awarded to those travelling to a school in the closest proximity to their home. It was further suggested that schools should work collaboratively to plan school closures for the same time, therefore ensuring that school buses that are designed to service a number of schools are not running when only one local school is open.

3.5 Other Issues

A number of delegates raised concern regarding the management of road freight and deliveries. It was suggested that work should be undertaken to investigate the possibility of restricting road

freight at peak times and restricting deliveries in urban areas at peak times to help ease traffic congestion.

The issue of commercial and agricultural vehicles not pulling in to allow cars past on rural roads, was raised as an issue that would also need further examination, as increased risk is posed by drivers overtaking.

Finally, clarification is sought regarding the role developer contributions, road tolls and DBFO (Design, Build, Finance, Operate) will have in the delivery of the Strategy.

4.0 AIMS AND STRATEGIC OBJECTIVES OF STRATEGY

The aims and strategic objectives of the Strategy as stated in the consultation document were generally agreed. However, there is a concern that the strategic objectives steer towards high population areas, to the detriment of rural areas.

It is also queried that if the budget allocation to implement the Strategy is lower than the Department is expecting, will the aims and strategic objectives be prioritised? If so, confirmation of how aims and objectives would be prioritised is sought.

Comments were made in relation to specific objectives which are as follows:

Strategic Objective 4: Improve access in our towns and cities

We cannot afford to continue to deliver duplicated services. Further effort must be made by all layers of government and the community sector to develop all public space as shared space, which is welcoming to all communities. It is suggested that if an individual wants to use a service further away (perhaps because of the historical community connection), then the user must pay for this additional service. An example used at the consultation event was that of parents choosing a school where a more local school is available.

Strategic Objective 6: Improve connections to key tourism sites

It is noted that there is no mention of air travel within this strategic objective. It is important that the use of Belfast City Airport and Belfast International Airport is considered strategically, particularly in relation to Dublin Airport as their main competitors. It is also noted that the road infrastructure for people travelling to Belfast International Airport via Moira Roundabout is unsatisfactory. As a route of strategic importance for Northern Ireland, the road should be developed as a dual carriageway, particularly due to the large volume of agricultural vehicles on the road. Furthermore, it is noted that the price of airport parking, other charges at the airport such as the 'drop off' fee and air travel tax is potentially out-pricing Belfast's two airports to the advantage of Dublin Airport.

In relation to connecting visitors to tourist attractions, further clarification is sought regarding what the key vision is and which sites are considered to be of the most strategic importance. It is asked whether this strategic objective will be specific, linked into the Tourism Strategy for NI.

Strategic Objectives 10/11/12: Reduce greenhouse gas emissions from transport/ Protect biodiversity/ Reduce noise and air pollution

It is suggested that more emphasis should be placed on the development and promotion of electric vehicles. The procurement and use of electric buses for the Metro service in Belfast would be welcomed as a positive first step.

With specific reference to Strategic Objective 10 (reduce greenhouse gas emissions from transport), it is queried if the Department consider greenhouse gas emissions and air pollution to be the same issue.

More general comments regarding the aims and objectives outlined in the Strategy consultation document centred on linking the revised Regional Transportation Strategy to other key strategic policy documents, with Regional Transportation Strategy objectives dovetailed into other government objectives.

It is suggested that there should be an explicit link between the Regional Transportation Strategy and the Regional Development Strategy, with transport considered in the context of the key

towns and cities mentioned in the Regional Development Strategy. It was further recommended that cross-border transport links are emphasised within the Regional Transportation Strategy, with cognisance given to the All-Island Spatial Strategy.

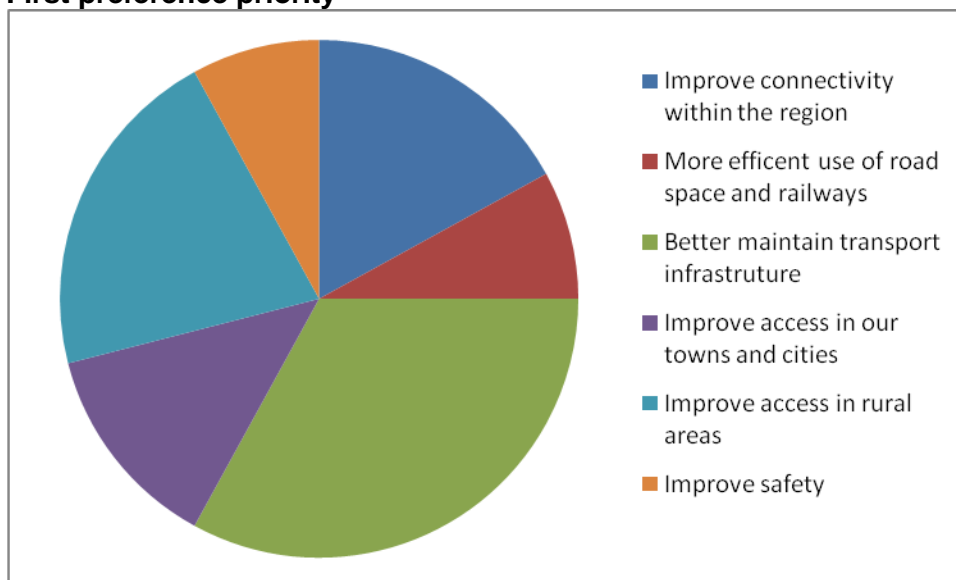
Other links suggested included the Tourism Strategy and the Programme for Government. Again it was recommended that there should be integration between other government departments such as Education and Health. It is asserted that ‘smarter’ working between the public sector and the community sector can produce more efficient results without the need for large sums of money to invest in transport infrastructure.

It is further suggested that the aims and objectives should be aligned to SMART targets (Specific, Measureable, Achievable, Realistic, Time Bound), with key performance indicators to monitor the success of the Strategy.

5.0 PRIORITISATION OF STRATEGIC OBJECTIVES

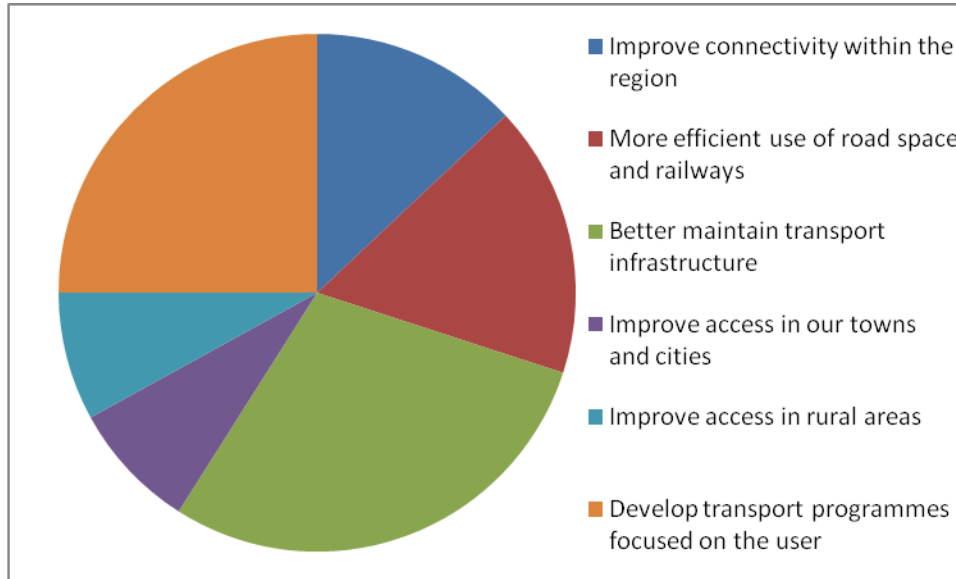
At the local government consultation event, a table listing the 12 strategic objectives was distributed to all delegates. Delegates were asked to rank the strategic objectives in priority order, the results of which are outlined below. It should be noted that some respondents ranked their top 3 or top 5 priorities, whilst others ranked all 12 which explains the small variances in results percentages. The ‘top 3’ results are outlined below. Full results of the prioritisation exercise can be found in Appendix 1.

First preference priority



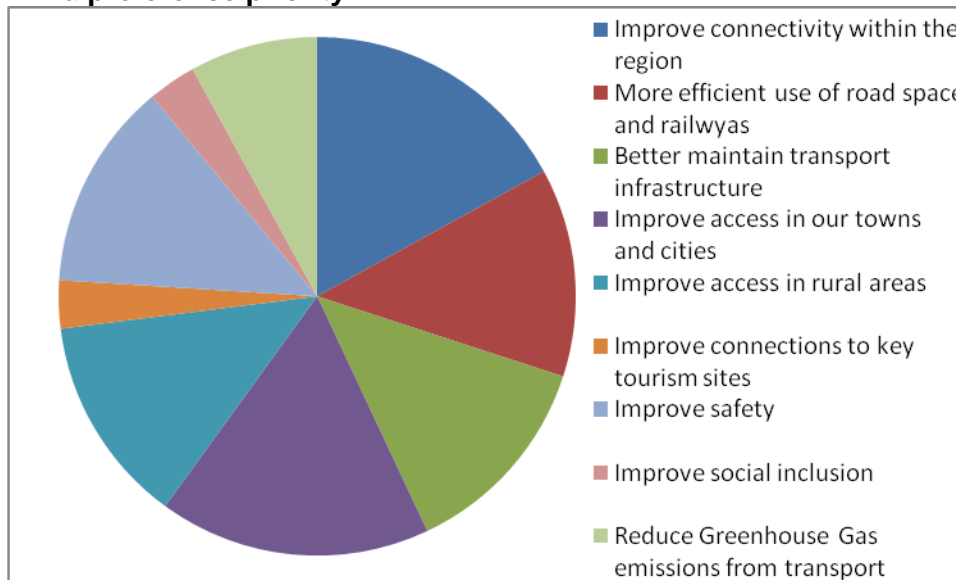
From the pie chart above, it is clear that maintenance of transport infrastructure is the highest ranked priority. Improving connectivity within the region and improving access in rural areas are also very important.

Second preference priority



The pie chart above illustrates second preference priorities. Again, better maintenance of transport infrastructure has come through as a clear preference. More efficient use of road space and developing transport programmes focused on the user are also ranked very highly.

Third preference priority



The third preference was much more varied than that of the first and second ranking. Improving connectivity with the region, using road space and railways efficiently, maintaining transport infrastructure and access to towns, cities and rural areas have all ranked highly.

From the top 3 rankings, it is concluded that the following are of strategic importance:

- Better maintain transport infrastructure;
- Improve access in our towns and cities/ rural areas;
- More efficient use of road space and railways.

6.0 TRANSPORT INTERVENTIONS

It is recommended that transport interventions take a holistic approach, incorporating road infrastructure, air travel, active travel and public transport. The interventions should also address the needs of both rural and urban communities, without each disadvantaging the other.

Specific comments on interventions are outlined as follows.

Prioritisation of Road Space for Public Transport

The prioritisation of road space for public transport is encouraged and the expansion of bus lanes is recommended.

Introduction of more Park and Ride Facilities

The proposal to introduce of more Park and Ride facilities (as well as Park and Share facilities) is welcomed. These facilities should be located in strategic locations and tailored to local need.

Maintenance of Transport Infrastructure to Best Practice Standards

Financing road building programmes needs to be addressed as a matter of priority. It is suggested that the NI Executive and the Department of Regional Development explore the possibility of making an application for European Union funding to access further resources to help with transport infrastructure within Northern Ireland.

Elected members also raised the growing issue of pot holes on roads, which has been exacerbated by two particularly severe winters. This will need to be addressed as a matter of urgency as money spent on compensation claims for damage caused by pot holes is taking resources away from fixing pot holes and is therefore an inefficient use of public money.

Good Transport Solutions to Growth Areas and Town and City Centres

A definition of a 'growth area' is sought for clarification. It is hoped that '*good transport solutions to growth areas*' will not disadvantage 'non-growth' areas. It is noted that some towns and villages in Northern Ireland are currently economically/ competitively disadvantaged due to their location in relation to road infrastructure and public transport services.

Working with Communities to Better Understand Their Needs

It is recognised that it is vitally important to engage with communities to ensure delivery of services and infrastructures that are needed and which will be used. NILGA would encourage the Department to work closely with local authorities in engaging with communities due to their knowledge through experience of working at 'grass roots' level. This will be of particular significance in the run up to local government reform and councils taking the lead on community planning.

Restricting car parking in towns and cities

At the event on 15th June, a large portion of the debate regarding the transport interventions outlined in the Strategy, focused on the restriction of car parking in towns and cities.

It is noted that during and immediately after the recent Assembly election, various parties commented on the proposal to introduce more rigorous restriction of and charging for car parking in towns and cities. Clarification on the implications of the recent election and potential changes to the Ministerial view on the issue is sought in the first instance.

It is feared that the introduction of car parking charges to towns and cities will become a deterrent to visiting and doing business with traders in some towns.

It was noted that, for example, traders in Larne would be wholly against the introduction of car parking charges and members of Larne Borough Council and the Larne Traders Forum have requested a meeting with the Minister to discuss this matter. However, it is also noted that car parking restrictions have been introduced in Newry City Centre, and that this eases car parking problems in the City as cars can only park for a specified period of time. It is suggested that responsibility for car parking should be reconsidered as a function transferring to councils and that the restriction of car parking in towns and cities could therefore be considered on a case-by-case basis, depending on the needs and expectations of the local community. There is no 'one size fits all' on this issue.

Enforcement of car parking in towns and cities was also raised as an issue if this matter is to be resolved properly. It is also suggested that the powers of traffic wardens should be extended to allow for wardens to be able to direct traffic as and when necessary to assist traffic flow in urban areas.

Finally, it is suggested that the idea of congestion charges/road tolls for built up urban areas, is explored rather than car parking restrictions to determine if this would be a viable solution.

7.0 TRANSPORTATION POLICY PRIORITISATION FRAMEWORK

The proposed Policy Prioritisation Framework is welcomed as a mechanism to improve efficiency and reduce waste within central government. It is believed that the Framework should be centrally controlled, with objective scoring.

However, it is thought that it is potentially an overly simplistic method to deal with complex problems. The Policy Prioritisation Framework will need to be flexible to respond to issues as they arise and to address local needs within the regional strategic framework. Different stakeholder groups and areas will have different priorities, which will all need to be weighted or balanced against one another. It is feared that strategic priorities will not be able to be weighted equally.

Many delegates asserted that it is difficult to comment fully on the Framework without time to consider the impact locally and on key projects such as:

- Link roads to motorways
- Local Park and Ride locations
- Dualling/improvement of existing roads
- Restoration of rail services
- Links to airports
- Timetabling
- Bypasses

There is an apprehension that the Policy Prioritisation Framework will rule out regional road projects, potentially creating a strategic imbalance. There is also a concern that the Framework does not adequately consider rural populations and does not address the dependence on cars for rural dwellers.

It is suggested that a hierarchy is incorporated into the Prioritisation Framework which addresses the length of time certain communities have waited for a transport intervention, for example the promise of a bypass in one area verses another.

NILGA awaits the 'secondary framework' with interest, to see how issues such as value for money, equality and deliverability are taken into account.

8.0 LOCAL GOVERNMENT INVOLVEMENT

It was agreed that local government should have a role in the delivery and implementation of the revised Regional Transportation Strategy. The detail and level of the role played by local government requires further exploration and discussion.

At the very least, local government should be involved in the prioritisation exercise, thereby utilising the local councils experience and expertise of local needs. It is hoped that local government can be viewed as a true partner, and not just a consultee in the Prioritisation Framework process.

It is recommended that there should be local government representation (with a rural and urban split) on transport forums and stakeholder groups established to assist in the implementation of the Regional Transportation Strategy.

It is further acknowledged that local government will have a much greater role to play when local government reform regains momentum. It is asserted that the community planning process should be used to develop and oversee the implementation of local transportation plans. The community planning process should also be the means to integrate local transportation plans with public service delivery, planning economic development and tourism at local level.

9.0 OTHER ISSUES RAISED DURING CONSULTATION PROCESS

An issue which received a large amount of debate and comment during the consultation event was the issue of salting and gritting of roads. It was asserted that roads to be gritted during severe weather should not be limited to those that have a certain quota of vehicles passing, as this criterion has a detrimental impact on key roads for access in rural areas, although it is noted that a certain level of vehicle traffic is necessary for the grit to take effect. It was also suggested that local contingency measures involving the community should be considered by the Roads Service to ensure gritting of local rural roads during periods of severe winter weather, and to prevent grit theft.

Finally, it was suggested that the potential for utilisation of our river and canal networks should be considered as a means of transporting freight and developing tourist facilities in the region.

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APPENDIX B

NILGA response to PPS2 – Natural Heritage



NILGA Response to PPS2: Natural Heritage

The following is the NILGA response to the consultation document and draft guidance published by the Department in March 2011 and requiring response by 8th July 2011

Caveat: This response has been prepared during the period immediately following the 2011 Local Government Election and consequently has had only limited elected member oversight. A representative group of local government officers has been involved in the preparation of this response, which was considered at the NILGA meeting on 24th June.

This consultation considers the proposed planning policy on 'Natural Heritage' considerations for planning in Northern Ireland. NILGA is keen to ensure that the final version of PPS2 is fit for purpose on behalf of councils and the communities they support.

For further information or to discuss any of the issues highlighted, please contact Karen Smyth at the NILGA Offices: Email: k.smyth@nilga.org Tel: 028 9079 8972

Derek McCallan

Chief Executive

29th June 2011

1. INTRODUCTION

NILGA, the Northern Ireland Local Government Association, is the representative body for district councils in Northern Ireland. NILGA represents and promotes the interests of local authorities and is supported by all the main political parties. Planning is a key issue for local government due to the huge impact it has on the shaping of local communities, the economy and sustainability. NILGA is pleased to be able to have an opportunity to comment on PPS2 and we trust that our comments will be taken into account when developing the final policy.

1.1 Context

Within the next four years, much of the planning function currently carried out by DOE is proposed to transfer to councils, implementing the Planning Act (NI) 2011. It is vital that councils have access to an adequate and appropriate suite of planning policy that allows some flexibility in local decision-making. Although some updating of existing planning policy is required, NILGA is keen to ensure that regional policy is developed in the form of high level guidance, in line with moves to streamline planning policy guidance in other jurisdictions. NILGA believes it would be useful to 'future-proof' the document, and would suggest that a paragraph on the anticipated transfer of the planning function to local authority control should be added to the introductory paragraph or referenced as a key appendix to this policy statement.

1.2 Duties regarding Sustainable Development and Biodiversity

Councils are required to take sustainable development principles into consideration. The statutory duty is contained within the Northern Ireland (Miscellaneous Provisions) Act 2006 and states that:

"a public authority must, in exercising its functions, act in a way it considers best calculated to contribute to the achievement of sustainable development in Northern Ireland ..."

Councils have worked together to develop a local government section to the NI Sustainable Development Implementation Plan, which includes commitments regarding biodiversity and our natural heritage. Local government is currently exploring how to act on these commitments in partnership with OFMDFM.

Similarly, councils are required to have regard to biodiversity issues within their decision-making and service delivery, through the statutory duty specific to biodiversity, contained within Section 1 of the Wildlife and Natural Environment (NI) Act 2011

1—(1) It is the duty of every public body, in exercising any functions, to further the conservation of biodiversity so far as is consistent with the proper exercise of those functions.

NILGA notes that the policies contained within PPS2 are intended to protect and conserve our natural heritage. It is fully recognised that environmental considerations play an important role in the determination of planning applications, and the Association is fully supportive of the Northern Ireland targets to significantly reduce biodiversity loss by 2010 and to halt the loss of biodiversity by 2016. NILGA also affirms that such targets can only be assessed through partnership, that is, they cannot realistically be attributed to one organisation or sector.

NILGA recognises the economic and social value provided by a biodiversity-rich environment, including the provision of necessary ecosystem services such as water purification, carbon storage and flood protection, and services to agricultural production e.g. through bee pollination. It is also recognised that environmental objectives must be balanced against other social and economic objectives that seek to promote a high quality environment in which to live.

1.3 EU Legislation and Targets

In March 2010, EU leaders recognised that the 2010 EU biodiversity target would not be met and through a new Biodiversity Strategy, committed to a new vision and target for biodiversity:

2050 vision

By 2050, European Union biodiversity and the ecosystem services it provides are protected, valued and appropriately restored.

2020 headline target

Halting the loss of biodiversity and the degradation of ecosystem services in the EU and restoring them in so far as feasible, while stepping up the EU contribution to averting global biodiversity loss.

NILGA would therefore broadly welcome this Planning Policy Statement as it will provide a useful mechanism to ensure the protection of biodiversity and assist Northern Ireland in meeting targets and commitments set by the European Union, although the execution of it is of course more relevant that its framework / guidance.

2.0 COMMENTS ON THE DRAFT PPS2

2.1 Section 1: Introduction and Policy Context

- **Statutory Framework**

It would be helpful to include reference to the Wildlife and Natural Environment Act (NI) 2011 and the Planning Act (NI) 2011 within the summary statutory framework. This is to replace the Wildlife (NI) Order 1985.

The Nature Conservation and Amenity Lands (NI) Order 1985: In addition to Department or Voluntary Sector management, National nature reserves can be managed by councils e.g. Oxford Island. Local

nature reserves are 'declared' by local councils rather than provided, as other organisations may own and manage the land involved.

- **Strategies**

It would be helpful to include reference to the EU Biodiversity Strategy: 'Our life insurance, our natural capital' to the longer term 2050 vision and to the 2020 target.

To 'future-proof' the document, NILGA would propose that it should also mention the NI Invasive Alien Species Strategy.

- **Role of the Planning System**

NILGA welcomes the reference to the guiding principle in determining planning applications, i.e. that development should be permitted, having regard to the development plan and other material considerations.

Potentially useful guidance and information in determining planning applications could include:

The UK National Ecosystem Assessment: the first analysis of the UK's natural environment in terms of the benefits it provides to society and continuing economic prosperity.

The Economics of Ecosystems and Biodiversity (TEEB): a major international initiative which highlights the cost of biodiversity loss and is of great relevance where protection of the natural environment appears to clash with economic development. This would be a useful tool in determining the value of a site.

Throughout the draft PPS2 document, mention is made of the value or importance of the development in relation to that of the site, habitat or species. It should be remembered that many developments, including those constructed in recent years, have not met their potential value due to, for example, the downturn in the economy. This can be easily seen in large scale tourism developments and so-called 'ghost estates', the value of which, at the time, was considered to outweigh that of the natural heritage that they replaced. It is important therefore that the 'value' of the development is considered in the longer term.

2.2 Section 2: Preparing Development Plans

NILGA would attest that it would be important to make specific reference to 'Sites of Local Nature Conservation Importance' (SLNCs) in this section.

2.3 Section 3: Policy objectives

NILGA notes and broadly concurs with the objectives of this Planning Policy Statement.

2.4 Section 4: Planning Policy

The fourth paragraph on p.11, i.e.: "*The provisions of these policies will prevail unless there is other overriding policy or material considerations that outweigh them and justify a contrary decision.*" is a source of some concern. Clarity through clear, practical illustrations or scenarios is sought, particularly in the context of the recent consultation on PPS24. It is also noted that this statement may conflict with the requirements of European Law such as the Habitats Directive.

- **Policy NH1**
 - **Drafting**

There should be specific reference to the Habitat Regulations Assessment Process within the PPS itself, rather than in the Supplementary Guidance.

Given the earlier reference to the guiding principle in determining planning applications, it is proposed that the first paragraph of NH1 should be redrafted to ensure more positive nuancing and to remove any ambiguity.

Use of the word ‘normally’ in the statement referencing the Habitats Directive is of concern, as it renders the statement inconsistent with the EC Habitats Directive.

- **Enforcement**

In terms of implementing this policy, it should be considered that although mitigation measures may be imposed as conditions of the planning permission, it is evident to councils that post-development checking of these measures is poor and in many cases non-existent. If developments are to be given the go-ahead within protected sites, it is essential that in all cases, mitigation measures are checked to be in place and if so, are not removed or neglected following completion of the development. The lack of resourcing of planning enforcement is a major concern for councils, particularly in light of the proposed transfer of the planning function. NILGA would call on the Department to benchmark with other jurisdictions like Wales, where a Planning Transition Fund was aligned with Councils to not only enable new planning actions to occur without local cost but, also, to enable proper resourcing on the enforcement side (as well as training for Councillors on the new systems).

- **Policy NH2**

- **Drafting**

As for NH1, it would be desirable for the policies on European and Other Protected Species to be more positively drafted, and for ambiguities to be removed.

- **Enforcement**

As with NH1, it is critical that planning conditions are monitored and that enforcement is adequately resourced.

One concern relating to protected species is that the onus to reveal the presence of a protected species is on the developer. This is especially true where the development is small in scale and therefore does not require an Environmental Impact Assessment. A lot of data already exists in various organisations in terms of location of protected species and it would be of great value if this data could be provided to Planning Service, for example through use of regularly updated Geographical Information Systems.

- **Supplementary Guidance**

The inclusion of the statement in Section 3.1.4 that “it is a criminal offence to harm a statutorily protected species” is welcomed, but should be included within the Planning Policy Statement rather than the guidance.

NILGA welcomes the inclusion of the statement in Section 3.4.5 of the supplementary guidance that “the granting of planning permission does not obviate the holder of ensuring legal compliance with other legislative requirements”, as the granting of planning permission should not in any way dilute or remove obligations or compliance with other legislative requirements. This should also be included in the Planning Policy Statement.

- **Consideration Section – Page 23**

Within the Planning Policy Statement a differentiation is made between European Protected Species and Other Protected species. However, within the Supplementary Guidance these have been amalgamated. NILGA is of the view that the separation of European Protected Species and Other Protected Species is preferable given the very different legislative basis for their protection. This change will also assist in ‘read-across’ from statement to guidance.

In addition Section 3.4.2 states that planning authorities **should** consult with NIEA before granting permission and consideration **should** be given to attaching appropriate planning conditions under which the developer would take steps to secure the long-term protection of the species.

For European protected species it is suggested that NIEA **must** be consulted with due consideration as to the length of time such consultation takes and the need for a clinical, policy and knowledge driven responsiveness from NIEA within agreed deadlines. This KPI should be specified. While the use of appropriate planning conditions to secure the long-term protection of these species is welcomed, there should be specific reference to the mechanisms to ensure this such as the use of Article 40 agreements. It would also be useful to list the European protected species
The inclusion of pre application discussions is welcomed.

- **Policy NH3**

- **Calculating value**

The policy states that a proposal which would have an adverse impact may be permitted where benefits outweigh the value of the site. This is further developed in Section 4.2.4 of the guidance, which states that *“benefits for the proposal which outweigh the value of the site need to be of national importance and of a long-term interest, sufficient to override the value of the site”*.

Where development is permitted, but requires ‘appropriate mitigation and/or compensatory measures’, consideration should be given to how this could be carried out in practice for habitats such as raised bog or ancient woodland. Raised bog and ancient woodland (i.e. remnant forest dating back from the 17th Century or earlier) take hundreds of years to establish or recover. The Department recognises this fact in Paragraph 6.4.3 of the guidance notes, therefore NILGA would recommend that these timeframes should be taken into account during the decision making process. . In addition, clarity is required as to whether short term and long term economic interest been defined.

- **Drafting**

As for NH1 and NH2, it would be desirable for the policies on Sites of Nature Conservation Importance to be more positively drafted, and for ambiguities to be removed.

- **Supplementary Guidance**

Section 4.2.2 states “Planning authorities may seek advice from NIEA”. NILGA would propose that NIEA must be consulted where there is a possibility of a planning application affecting a National site.

- **Policy NH 4**

The inclusion of this policy is broadly welcomed

- **Supplementary Guidance**

The criteria for local sites in Section 5.2.1 and 5.2.2 is the same as for National sites. For local Nature Reserves, planning conditions should focus on the amenity value of the site for example, with criteria regarding education and access, since these sites are not selected scientifically in terms of habitat or species features as are nationally and internationally designated sites.

Given the nature of Local Nature Reserves which are sites “provided by District Councils for nature conservation which are particularly appropriate for educational, recreational or public information services” NILGA would propose that Sections 5.2.1 and 5.2.2 should be removed.

Section 5.2.5 states that “benefits for the proposal which outweigh the value of the site need to be of local importance and of a long-term interest, sufficient to override the value of the site”.

NILGA would again have concerns regarding the methodology to be used to measure value, and the lack of clarity on the definition of short term and long term economic interest. It is clear that a balance will often need to be struck, for example, between economic and social aims of sustainable development in a decision regarding a hotel development, on a site of importance for community usage.

In the time period prior to the proposed transfer of the planning function to local government, it is strongly recommended that planning officers consult fully with district councils on applications impacted by this policy.

- **Policy NH5**

NILGA welcomes the inclusion of this policy and supports the inclusion of priority habitats and species, ancient and long-established woodland, features of the landscape which are of major importance for wild flora and fauna, features of earth science conservation importance and rare or threatened native species within this policy. It is suggested that the Department also considers the inclusion of ‘river corridors’ within NH5.

- **Use of the word ‘known’**

NILGA understands and accepts the statement in 6.1.2 that “the planning authority does not have, and cannot reasonably be expected to have, total knowledge of the potential natural heritage significance of every site.”

We would suggest that since there is a lack of data for priority habitats and species across NI as identified in the 2009 Northern Ireland Biodiversity Group Report on the Delivery of the NI Biodiversity Strategy, it might be useful to require applicants to undertake a survey prior to the decision being made.

As with Policy NH2, the onus is on the developer to reveal the presence of species, habitats or features of natural heritage importance – again, this is where a habitat and species mapping tool would be of value to highlight the presence of these in sites where they have been identified

- **Supplementary Guidance**

Section 6.9.7 states that: “opportunities will be taken to secure new planting or sowing within development proposals”. While this is welcomed, NILGA is of the view that these should be appropriate to the site and that NIEA should be consulted.

The inclusion of Sites of Local Nature Conservation Importance under Policy NH5 is strongly encouraged.

- **Policy NH6**

NILGA would strongly advise that the Department liaises directly with the councils impacted by NH6. We have contacted the councils concerned, to alert them to the draft proposals, and to ensure that they respond to this particular proposed policy.

- [Antrim Coast and Glens](#) – Larne BC/Moyle DC

- [Binevenagh](#) – Coleraine BC/Limavady BC
- [Causeway Coast](#) – Moyle DC/Coleraine BC
- [Lagan Valley](#) – Belfast CC/Lisburn CC
- [Mourne](#) – Down DC/Newry and Mourne DC
- [Ring of Gullion](#) – Newry and Mourne DC
- [Sperrins](#) – Strabane DC, Limavady BC, Magherafelt DC, Cookstown DC, Omagh DC
- [Strangford and Lecale](#) – Ards BC/Down DC

Given the recently announced review of PPS21, NILGA would also seek clarity as to how this particular policy may be impacted within the wider requirements for sustainable development in the countryside.

2.5 General Comments on Supplementary Planning Guidance

Comments on the Supplementary Planning guidance have been made at relevant points, throughout this response. In general, the guidance is clear and sufficient for purpose.

2.6 Other Issues

Invasive Alien Species (IAS) are mentioned in Section 1.5.1 of the supplementary guidance. While this is welcomed it is noted it has not been referenced in any of the policies. NILGA would therefore be grateful for clarity as to whether IAS and the recent strategy will be classed as a material consideration. Planning can play a major role in relation to IAS, for example in terms of the creation of “pathways” such as roads and waterways, which facilitate spread. NILGA is extremely concerned regarding the potential costs of dealing with IAS, with GB estimates in the region of £2 billion per year. It is vital that the impacts IAS are considered more fully in determining planning decisions.

NILGA is keen to ensure that planners, initially within government and subsequently within councils, develop sufficient capacity regarding and knowledge of priority habitats and species and recognise that monitoring of planning conditions is essential to ensure the protection of biodiversity. We are keen to begin discussions with the Department on necessary capacity building training on this and other issues.

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