

**Ballymoney Borough Council  
Consultation Committee Meeting No 80 – 17<sup>th</sup> December 2012**

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**BALLYMONEY BOROUGH COUNCIL**

Minutes of Consultation Committee Meeting No 80 held in the Council Chamber, Riada House, Ballymoney on Monday 17<sup>th</sup> December 2012 at 7.00pm.

**IN THE CHAIR:** Councillor J Finlay

**PRESENT:**

**Aldermen**  
C Cousley  
B Kennedy

**Councillors**  
J Atkinson  
W Blair  
R Halliday  
P McGuigan  
C McLaughlin  
E Robinson  
I Stevenson  
M Storey

**APOLOGIES:**

**Alderman**  
F Campbell  
H Connolly  
**Councillor**  
A Cavlan  
R McAfee

**IN ATTENDANCE:** Chief Executive  
Committee Clerk  
Press

**DoE Planning Service (Item 4)**  
J McMath – Planning Officer

Press

**80.1 SANDY HOOK ELEMENTARY SCHOOL TRAGEDIES**

The Chair advised that the Mayor has opened a book of condolence in memory of those who died at Sandy Hook Elementary School, Newtown, Connecticut, USA.

She stated "It is heart breaking news. I was shocked and saddened by the tragic way in which so many innocent people, many of them young children, lost their lives last Friday attending a normal day at school.

I wanted to open a book of condolences for the citizens of Ballymoney Borough to pay their respects to the bereaved families and to let the local community in Newtown know our hearts go out to them at this time.

It's so much a time for children with the excitement of Christmas and a time of fond memories as families meet together."

The book is available to sign at Council Headquarters until 31<sup>st</sup> December.

## **80.2 DECLARATIONS OF INTEREST**

There were no declarations of interest.

## **80.3 MINUTES – CONSULTATION COMMITTEE MEETING NO 79 – 19<sup>TH</sup> NOVEMBER 2012**

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

*that the minutes of Consultation Committee Meeting No 79 – 19<sup>th</sup> November 2012, as circulated, be confirmed as a correct record.*

## **80.4 PLANNING APPLICATIONS**

### **3.1 New Applications**

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

The content of the objections were summarised to members and may be viewed on public access at:

[http://epicpublic.planningni.gov.uk/PublicAccess/zd/tdc\\_home.aspx](http://epicpublic.planningni.gov.uk/PublicAccess/zd/tdc_home.aspx)

<b>ITEM NO 4</b>	<b>APPLICATION NO D/2012/0036/F - REFUSAL</b>
<b>APPLICANT</b>	Mr Robert Bristow, C/o Agent
<b>AGENT</b>	Stevan Mooney, 18 Tamlaght Road, Rasharkin.
<b>LOCATION</b>	24m Wind turbine at 80m South of 83 Tamlaght Road, Rasharkin
<b>PROPOSAL</b>	Amendment to D/2010/0187/F from 18m wind turbine to 24m wind turbine for farm and export to grid.



***that Council agree with the decision of the Department to approve the application.***

**D3 APPLICATION NO D/2012/0015/O APPROVAL**

The Planning Officer advised that the approval has not been implemented and the applicant has demonstrated that the site is still in the ownership of the applicant.

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

***that Council agree with the decision of the Department to approve the application.***

**D4 APPLICATION NO D/2012/0054/F REFUSAL**

The Planning Officer advised that the proposal would be adequately served by the shared laneway as proposed on the original application.

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

***that Council disagree with the decision of the Department to refuse the application.***

**D5 APPLICATION NO D/2012/0088/O REFUSAL**

The Planning Officer advised that insufficient information had been supplied and maps supplied were incomplete. Roads Service visibility splays were not acceptable. Additional information has been submitted by the Agent and the Department would be willing to hold the application for two weeks to consider this. If application approved following consideration of information, meeting will not be necessary.

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

***Council disagree with the refusal. The Department will hold for two weeks to consider submission and Council will write to the MP and Area Planning Manager requesting a meeting to discuss the application.***

**3.3 Decisions Issued**

A schedule of decisions issued from: 01/11/2012 – 30/11/2012.

**3.4 Office Meetings**

18<sup>th</sup> January 2013 at 10.00 am in the McKinley Room, Riada House.

### **3.5 Extension to Streamlined Consultation Report to Incorporate Single Domestic Wind Turbines**

The Planning Officer outlined a representation made to the Department to incorporate single domestic wind turbines in the streamlined consultation process to a hub height of 50m. She explained that currently, the streamlined process applies to solar panels and domestic single turbines up to 15m. The Department has been approached by an agent to increase the hub height of domestic single turbines to 50m. Moyle District and Coleraine Borough Councils have been approached as it is not possible for the Department to operate different systems in different Council areas, Moyle making no objection to the proposal. Councillor Robinson expressed concern at the increased hub height in areas of outstanding natural beauty. The Planning Officer clarified the procedure for objecting and removing applications from the streamlined planning process.

It was proposed by Councillor McGuigan, seconded by Councillor McLaughlin and **AGREED**

***that Council agree with the proposal to incorporate single domestic wind turbines in the streamlined consultation process providing agreement is reached with Moyle District and Coleraine Borough Councils.***

A vote was taken with nine members voting in favour and one member voting against.

**The Chair declared the motion carried.**

The Planning Officer advised that she would revert in the New Year with the outcome of the consultation with Coleraine Council, Moyle not having objected to it.

\* **The Planning Officer left the meeting at 7.25 pm.**

### **80.4 FOOTWAYS – CLEARANCE OF SNOW/ICE**

Members will be aware that this committee considered a proposal to enter into an arrangement with DRD Roads Service whereby they would provide salt/grit and request Council to treat an agreed list of footways and Council would deploy staff whom it considered available to do the work, within the normal working hours of the staff concerned. The proposal was defeated by the casting vote of the committee chair.

The matter is tabled again, so that council can reconsider its position. The draft Memorandum of Understanding (MOU) supplied by Roads Service has been amended to remove any reference to staff other than DRD or Council staff being

used to do the work and adding in the schedule of footways which was agreed by Council last year. If adopted the MOU offers a limited indemnity to council against court action on the basis of the choice of footways to be treated and provides for a payment by Roads Service to Council of £478.66 to assist with the administrative costs incurred.

While members may have reservations about the principle of taking on work which a government department is empowered to do but chooses not to, it is the case that this council is now one of a very small number which has not entered into some agreement with DRD Roads Service to do this work. It is also the case that in extreme weather conditions two years ago, despite the absence of any formal agreement, Council did undertake this work. If members believe that Council will agree to do so again, it is preferable that we have a formal agreement in place and clarity on the powers being used.

It is **recommended** that Council agrees to enter into the Memorandum of Understanding as circulated and authorises the Chief Executive to sign on its behalf.

The Chief Executive advised members of a letter received from the Minister of the Environment advising of his Department's exercise in gauging the level of winter preparedness within Councils, circulated.

The correspondence states that since a similar exercise was carried out last year, considerable progress has been made and there is now a higher level of preparation amongst councils.

It also states that one area of concern is that while 23 councils now have collaborated on either formal or informal arrangements with Roads Service for the removal of ice and snow from town centre footways, three councils presently have not.

While the Minister appreciates there are strong views in some councils around the principle of signing a Memorandum of Understanding with Roads Service to take on this work, given that 23 councils have so far successfully managed to reach understandings. He hoped in the interests of both public confidence and safety, that council could set aside its reservations, without in any way accepting the full responsibility of the function. This would mean that council could engage meaningfully with Roads Service to produce a pragmatic method of operation which would produce an effective and co-ordinated response to this difficult situation, since it is likely to arise more frequently if the forecast climate changes occur.

Such a consistent approach across all councils would also help to mitigate and deflect adverse criticism which can arise should injury or loss of economic activity result from any implied inactivity by whatever section of the public service.

Councillor Finlay questioned Council's legal standing in the implementation of the Memorandum of Understanding. The Chief Executive clarified aspects to the indemnity proposed in the agreement stating that Roads Service has powers to deal with snow and ice from the Roads Order into which it is written that they cannot be sued by anyone on a footway that is not treated and the decision on which roads are treated cannot be challenged. He advised that if Council treats a footway and someone slips and falls they can sue the Council stating poor workmanship resulting in cost implications to Council in defending its situation.

Councillor McGuigan requested clarification on how the process would work if Council signed up to the memorandum.

Chief Executive advised that the MOU gives the indemnity that Roads Service has in the Roads Order which cannot be challenged on the streets that Council has chosen to treat. It clarifies what powers Council is acting under, that Roads Service will provide the grit and it confirms that Council has agreed with Roads Service the schedule of streets to be treated. He advised that there is no budget provision made for the work and that taking it on will entail both capital and revenue expenditure. At the request of Councillor Finlay, the Chief Executive confirmed that if Council signed up to the MOU, Council's insurers would be notified to enable any necessary changes to the policy.

Councillor McGuigan referred to equality in villages and expressed the view that the agreement should be entered into on the basis that people living in the rural areas of the borough are supported in the same way as those in Ballymoney town.

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

***that Council sign up to the draft Memorandum of Understanding (MOU) supplied by Roads Service, as revised and circulated with the agenda, and undertake the work as per the schedule of footways presented to Council last year (min. CRCS399 dated 28/11/2011.) and that Council endeavour to seek a way of ensuring salt is provided to the village shopping areas.***

The Chair requested a recorded vote:

**FOR**

Councillor McGuigan  
Councillor McLaughlin  
Councillor Blair  
Alderman Kennedy  
Councillor Storey  
Councillor Robinson  
Councillor J Finlay

**AGAINST**

Councillor Atkinson  
Councillor Stevenson  
Councillor Halliday  
Alderman Cousley

**The Chair declared the motion carried.**



#### **80.5 CONSULTATION ON DRAFT CROSS-DEPARTMENTAL AUTISM STRATEGY (2013-2020) AND ACTION PLAN (2013-2015)**

The Department of Health, Social Services and Public Safety (DHSSPS) is seeking views on the draft cross-departmental Autism Strategy and Action Plan. The draft consultation document has been developed in collaboration with representatives from other NI government departments, the health and social care sector, people with autism, their families and carers, and the community and voluntary sector.

The draft Autism Strategy and Action Plan and response pro-forma are available online at <http://www.dhsspsni.gov.uk/showconsultations?txtid=59561>

**The meeting closed at 8.15 pm.**