

Ballymoney Borough Council
Consultation Committee Meeting No 85 – 20th May 2013

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85.18	Consultation on a Draft Financial Capability Strategy for NI	<i>Tabled</i>
85.19	Blue Badge Scheme – Consultation	<i>Tabled</i>
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BALLYMONEY BOROUGH COUNCIL

Minutes of Consultation Committee Meeting No 85 held in the Council Chamber, Riada House, Ballymoney on Monday 20th May at 6.30 pm.

IN THE CHAIR: Councillor J Finlay

PRESENT:

Aldermen
F Campbell
H Connolly
C Cousley MBE, Deputy Mayor
B Kennedy

Councillors
W Blair
A Cavlan
R Halliday
P McGuigan
T McKeown
C McLaughlin
E Robinson (Mayor)
I Stevenson

APOLOGIES:

Councillors
J Atkinson
M Storey, MLA

IN ATTENDANCE: Chief Executive
Business Support Officer

Roads Service (Item 1)
Mrs D Mackle (Divisional Roads Manager)
Mr J McKinley (Section Engineer)

DoE Planning Service (Item 5)
Mrs K Dickson

Press
Members of the public

85.1 ROADS SERVICE ANNUAL REPORT

The Chair welcomed Mrs Mackle and Mr McKinley to the meeting to present their Annual Roads Service report to members.

The report details works completed during the year 2012/13 and sets out initial proposals for schemes to be undertaken in the year 2013/14. Mrs Mackle advised that a large programme of works was delivered in 2012/13 through successful in-year monitoring bids. She also advised members that whilst the funding available for improvement schemes and road maintenance is greatly reduced this year in line with the four year budget agreed by the Executive, Roads Service is using its available resources effectively and continuing to deliver quality public services. However, due to a decrease in funding available for structural maintenance activities this year, resurfacing and maintenance work to maintain and upgrade the road network will be limited. In-year monitoring bids will continue to be submitted to the Executive for the coming year.

Referring to the A26 investment plan, draft orders in terms of an environmental statement were published in March 2012 which resulted in the submission of 25 representations (18 objections and two letters of support). The subsequent public inquiry was held in November 2012 and the Department has recently received the Inspector's report which is currently being considered. A departmental response will be forwarded once this is issued by the Minister.

* **Alderman Kennedy joined the meeting at 6.45 pm during the presentation.**

Members asked a significant number of questions which were responded to by the representatives including:

- Street lighting in Benvardeen Road, Derrykeighan. At the request of Councillor Robinson, Mrs Mackle agreed to provide a comprehensive response regarding the Department's criteria for provision of street lighting.
- Grass cutting in Dervock and extension of footpath to the school.
- Paving on Main Street still problematic. Mr McKinley advised that work is ongoing to overcome the problem of loose paving.
- Access onto A26 from Kirk Road, Knock Road and Drumadoon Road – it was advised that it would not be appropriate to consider access due to the statutory process taking place for the dualling scheme.
- Funding available through cancellation of A5 scheme – Mrs Mackle advised that the Minister is considering proposals in terms of major schemes that can be delivered quickly. She remains optimistic that the A26 would be one of the schemes put forward.
- Landhead School – problems with dog fouling at post box. A request was made for tarmacking in the area. This request will be considered.
- Adoption of Tullyview Road – At the request of Councillor Cavlan, Mr McKinley will ascertain current position in adoption process and advise.
- Signage to Dark Hedges.
- Destruction/defacement of road signs.
- Condition of roads following utilities work.
- Traffic management in Dunloy.
- Fivey Road/Wallace Crescent - re-siting of speed signs and some hard standing on grass at bus stop.

- Provision of salt boxes and gritting of Rasharkin Road.
- Grass cutting at Beechcroft.

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

that Council write to the Minister regarding commencement date of A26 dualling scheme.

Members thanked the Department for the work carried out in 2012/13 and noted the structural changes at Principal level with Mervyn Orr acting up as Network Development Manager in the absence of Mr Fulton.

The Chair thanked the representatives for their presentation which concluded at 7.40 pm. Mrs Mackle and Mr McKinley left the meeting at this time.

* **The Planning Officer joined the meeting at 7.40 pm.**

85.2 STROKE AWARENESS

Councillor McGuigan extended congratulations to Mr Raymond Kelly, Mr Simon Corrigan and Mr Peter Zagraban who undertook the 575 challenge in cycling over 500 miles around the North and climbing over seven peaks in the Mourne Mountains over a 5 day period. Mr Kelly has suffered a number of strokes and their achievements helped to raise over £10,000 for stroke awareness.

Alderman Kennedy associated himself with Councillor McGuigan's remarks.

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

that the Mayor hold a reception in honour of their achievement.

85.3 DECLARATIONS OF INTEREST

There were no declarations of interest.

85.4 MINUTES – CONSULTATION COMMITTEE MEETING NO 84 – 15TH APRIL 2013

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

that the minutes of Consultation Committee Meeting No 84 – 15th April 2013, as circulated, be confirmed as a correct record.

85.5 PLANNING APPLICATIONS

5.1 New Applications

Items 1-12 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

ITEM NO 6	APPLICATION NO D/2012/0132/F – REFUSAL
APPLICANT	Mr Andrew Laughlin, Culmore House, 54 Bann Road, Kilrea
AGENT	Norman S Rowe, IMCIAT 86, Burnside Road, Portstewart BT55 7LD
LOCATION	Adjacent to 5A Bann Road, Kilrea
PROPOSAL	Site for 30m high hub wind generator – overall height 42.5m inc 25m dia rotor

This application has been withdrawn.

ITEM NO 9	APPLICATION NO D/2013/0004/F – REFUSAL
APPLICANT	Andrew Clark C/o Agent
AGENT	2020 Architects, 37 Main Street, Ballymoney
LOCATION	481m South of 14 Friary Road, Ballymoney
PROPOSAL	Proposed agricultural building.

It was **Agreed:** That an office meeting be held (Alderman Kennedy)

ITEM NO 10	APPLICATION NO D/2013/0005/F – REFUSAL
APPLICANT	Andrew Clark C/o Agent
AGENT	2020 Architects, 37 Main Street, Ballymoney
LOCATION	478m South of 14 Friary Road, Ballymoney
PROPOSAL	Proposed dwelling with detached garage under CTY10

It was **Agreed:** That an office meeting be held (Alderman Kennedy)

ITEM NO 11	APPLICATION NO D/2013/0025/F – APPROVAL
APPLICANT	Mr C Blair
AGENT	Hunter Associates, 8 Charlotte Street, Ballymoney
LOCATION	8 Edenmore Avenue, Bendooragh, Ballymoney
PROPOSAL	Rear single storey extension to meet requirements of disabled facilities – grant application.

OBJECTIONS: Impact on adjoining property

ITEM NO 12	APPLICATION NO D/2013/0032/O – REFUSAL
APPLICANT	Mr James Spears
AGENT	2020 Architects, 37 Main Street, Ballymoney
LOCATION	120m East of 100A, Finvoy Road, Ballymoney
PROPOSAL	Outline application to convert existing derelict building into 1 no dwelling.

It was **Agreed:** That an office meeting be held (Councillor Finlay)

5.2 Deferred Applications

Items 1-3 were considered and the opinion of the Planning Services accepted except where stated otherwise.

D1 APPLICATION NO D/2007/0317/RM - APPROVAL

Further consultations have been carried out and issues now resolved. Department now able to approve.

D2 APPLICATION NO D/2011/0082/F – APPROVAL

Further information has been submitted and issues now resolved. Department now able to approve.

D3 APPLICATION NO D/2012/0053/F - APPROVAL

Further consultations have taken place with Environmental Health regarding noise. Issues resolved and Department now able to approve.

5.3 Office Meeting

Office meetings will take place on 7th June at 10.00 am in the Lanyon Room, Riada House.

- * **The Planning Officer left the meeting at 7.55 pm.**
- * **Alderman Connolly left the meeting at 7.55 pm.**

85.6 THE PLANNING (GENERAL DEVELOPMENT) (AMENDMENT) ORDER (NORTHERN IRELAND) 2013

The Department of the Environment has made a Statutory Rule entitled “The Planning (General Development) (Amendment) Order (Northern Ireland) 2013” (S.R. 2013 No 96), which comes into operation on 30th April 2013.

The purpose of this Statutory Rule is to amend the Planning (General Development) Order (Northern Ireland) 1993 (S.R. 1993 No 278) (the “GDO”) to:-

- provide permitted development rights for the temporary use of land to operate licensed street markets and trading for the number of days specified in the street trading licence;
- revise existing permitted development rights to allow certain statutory undertakers to carry out necessary development commensurate with their operational obligations;
- permit electronic communications code operators to undertake the extension or replacement of existing masts, the addition of a limited number of apparatus including antenna on existing masts and sites and the installation, alteration or replacement of equipment housing; and
- introduce permitted development rights for the installation, alteration or replacement of non-domestic microgeneration equipment including solar panels, biomass boiler housing and fuel stores, and ground and water source heat pumps.

Copies of the Rule may be viewed online at <http://www.legislation.gov.uk> or is available, on request, from the Office of the Chief Executive.

85.7 CONSULTATION ON PROPOSED CHANGES TO PLANNING FEES

The Department of the Environment has issued a consultation paper on its proposals for amending the Planning (Fees) Regulations (Northern Ireland) 2005 (S.R. 2005 No 222 as amended by S.R. 2005 No 505, S.R. 2009 No 256, S.R. 2010 No. 294, S.R. 2011 No 99, S.R. 2011 No 398 and S.R. 2012 No 293). The consultation proposals can be summarized as follows:

- the introduction of reduced fees for applications to renew planning permissions;
- the introduction of a revised methodology for calculating fees for mixed use applications;
- the removal of the fee exemptions for resubmitted applications for Certificates of Lawful Use or Development and consent to display advertisements;
- the correction of an anomaly in the existing fee for two or more dwelling houses;
- the removal of the fee for applications made by non-profit making organizations relating to the provision of community facilities (including sports grounds) and playing fields; and
- the introduction of a revised methodology for calculating fees for minerals, gas and waste applications.

This is the first set of proposals to be brought forward as part of Phase 2 of the Department’s review of planning fees and funding. The aim of the review is to

develop a fair and fit for purpose charging system that will ensure the planning function is sustainable both before and after the transfer of planning to local government.

A copy of the consultation paper can be viewed online at www.planningni.gov.uk/planning_fees_consultation_paper_april_2013.pdf or is available, on request, from the Office of the Chief Executive.

The closing date for receipt of comments is 14th June 2013.

85.8 ON-LINE PLANNING CONSULTATION SYSTEM – GUIDANCE FOR CONSULTEES ON THE ROLE OF THE PLANNING AUTHORITY

A copy of this guidance, dated April 2013, issued by DoE Planning Service on the Role of the Planning Authority and Consultees in the Online Planning Application Consultation System has been circulated to members under OCE memo dated 9 May 2013 (Ref OCE.176-2013). The document contains important information on the online process

85.9 HOUSING EXECUTIVE – CORPORATE AND BUSINESS PLANS

Council is invited to take part in the consultation on the Housing Executive's draft Corporate and Business Plans for 2013/14 – 2015/16. A detailed version will be available on the Housing Executive's website www.nihe.gov.uk or, on request, from the Office of the Chief Executive. The Minister's recent announcement on the Social Housing Reform Programme recognizes that the time has come to separate regional housing services and traditional landlord services, in order that each can maximize its potential. Whilst this process will take time, the Housing Executive's Board has made clear its intention to facilitate this longer term 'hard' separation by working towards a 'soft' internal split over the coming 12-24 months. As part of this process the Organisation's Landlord and Regional Housing Services key programmes, objectives and targets are presented in separate sections in the Corporate Plan.

Whilst the Social Housing Reform Programme is one of the most important issues on the horizon, the plans also reflect other major influences, including DSD's new draft Housing Strategy, the on-going Welfare Reform Programme and the continued impact of the economic recession.

The Executive's associated business objectives are more outcome focused as it continues to work to develop these and to translate them into specific actions (Key Performance Indicators) and to provide a measure of progress.

Comments are invited on any changes or additions Council feel are required to the Executive's priorities and planned actions for the year ahead. The final Corporate and Business Plans will be submitted for approval of the Board and the Minister for Social Development at the end of June.

85.10 WELFARE REFORM INFORMATION LEAFLET

The Department for Social Development was to issue a Welfare Reform Information Leaflet to all homes in Northern Ireland from Tuesday 7th May 2013. However, the Minister for Social Development, Nelson McCausland, has decided to hold the issue of this information at this time until he is able to bring forward his proposals on Welfare Reform to the Northern Ireland Assembly. Minister McCausland continues to negotiate with London to ensure that Welfare Reform in Northern Ireland meets the specific needs of people here.

85.11 FUTURE COMMISSIONING OF PAEDIATRIC CARDIAC SURGERY AND INTERVENTIONAL CARDIOLOGY FOR THE POPULATION OF NORTHERN IRELAND

At the start of this consultation process the Health and Social Care Board gave an undertaking to keep stakeholders informed of key stages in the process.

The Health and Social Care Board at a Public Meeting in Belfast on Thursday 25th April approved a preferred option document for the future commissioning of paediatric cardiac surgery and interventional cardiology for the population of Northern Ireland. This recommends a solution with surgery and interventional cardiology being carried out in Dublin. It also recommends major investment in paediatric cardiology in Belfast, including new MRI facilities.

The preferred option document will now be submitted to the Minister for Health, Social Services and Public Safety, Edwin Poots, MLA, for a final decision. The preferred option document and a press release which provides an overview of the process to date is available at:

http://www.hscboard.hscni.net/news/Paediatric_Congenital_Cardiacc_Services.html

This can also be requested, from the Office of the Chief Executive.

Councillor Robinson requested a copy of the consultation document.

85.12 LAUNCH OF PUBLIC CONSULTATION – PROPOSED AMENDMENTS TO THE LEGAL AID (ASSESSMENT OF RESOURCES) REGULATIONS (NORTHERN IRELAND) 1981

The Department of Justice (DoJ) has launched, on 17th April, a public consultation on proposals to amend the Legal Aid (Assessment of Resources) Regulations (Northern Ireland) 1981.

The consultation seeks views on the proposed changes to the Regulations and accompanying practices in the assessment of those applications for legal aid where the applicant is paying for board and lodgings.

The consultation will run for 12 weeks closing on Wednesday 10th July 2013.

Documents can be downloaded from the DoJ's website at <http://www.dojni.gov.uk/index/public-consultations.htm> or is available, on request, from Office of the Chief Executive.

85.13 THE GAS AND ELECTRICITY (INTERNAL MARKETS) REGULATIONS (NORTHERN IRELAND) 2013

The Gas and Electricity (Internal Markets) Regulations (Northern Ireland) 2013 were made on 28th March 2013 and came into operation on 12th April 2013. The Regulations amend the Gas (Applications for Licences and Extensions) Regulations (Northern Ireland) 1996.

The Regulations provide for—

- (i) an increase in the fees payable upon application for a gas conveyance, storage and supply licences or for an extension to an existing licence;
- (ii) the correction of a minor drafting error in relation to the earlier amendment of paragraph 4 of Schedule 1;
- (iii) the updating of references to provisions in the Companies (Northern Ireland) Order 1986 which has been replaced by the Companies Act 2006;
- (iv) the updating of references to “the Director” to “the Authority” to reflect the current name for the Northern Ireland Authority for Utility Regulation; and
- (v) amendments to the process for lodging and publishing gas licence applications in line with the removal of the Department's consenting role in the gas licence application process following implementation of the Gas and Electricity (Internal Markets) Regulations (Northern Ireland) 2011.

A copy of the Regulations and supporting Explanatory Memorandum can be viewed at: <http://www.legislation.gov.uk/nisr/2013/92/contents/made> or, on request, from the Office of the Chief Executive.

85.14 PROPOSED RAILWAYS (SAFETY MANAGEMENT) (AMENDMENT) REGULATIONS (NORTHERN IRELAND)

The Department for Regional Development (DRD) has issued a consultation document on proposals to make a Statutory Rule entitled The Railways (Safety Management) (Amendment) Regulations (Northern Ireland) 2013.

Regulation 2(2) introduces a new regulation 16AA to the 2011 Safety Management Regulations which prohibits a person from operating a vehicle on the railway system unless an entity in charge of maintenance has been assigned to it, such entity having been registered as such on the National Vehicle Register. Regulation 16AA does not apply to heritage vehicles.

Regulation 2(3) amends regulation 27 (Defence of due diligence) of the 2011 Safety Management Regulations to provide a defense of due diligence for an entity in charge of maintenance that commits an offence under regulation 16AA(2)

An electronic copy of the Consultation Paper is available at www.drdni.gov.uk and copies can be made available, on request, from the Office of the Chief Executive. Following the end of the consultation the responses received will be published.

The closing date for responses is 19th July 2013.

85.15 STRATEGY FOR MARINE PROTECTED AREAS IN THE NORTHERN IRELAND INSHORE REGION

The Department of Environment is carrying out a public consultation on a draft Strategy for Marine Protected Areas (MPAs) in the Northern Ireland Inshore Region.

The UK government is committed to having an ecologically coherent network of well managed MPAs in place by 2020 to fulfill its legal obligations under the Marine Strategy Framework Directive.

The purpose of this Strategy is to set out how it is intended to use MPAs to protect and improve ecosystems in the Northern Ireland Inshore Region i.e. within 12 nautical miles.

The full consultation paper can be viewed at www.doeni.gov.uk (Click on "Consultations" or on "Natural Environment" (and then click on "Marine and Coast")).

The consultation period closes on 30th September 2013.

85.16 REVIEW OF RATES LIABILITY FOR THE LANDLORD SECTOR

The Department of Finance and Personnel is undertaking a consultation on changes to rates liability in the landlord sector. No decisions have been made yet but the scope of the changes being considered by the Department involves the following:

- that all rented property with a capital value of £150,000 or under will be subject to compulsory landlord liability;
- the removal of the criteria for rent to be payable or collected at intervals shorter than quarterly;
- the landlord allowance to be standardized at 10% across all rental sectors; and

- the award of the allowance will occur regardless of whether the property is occupied or vacant.

The Department has now produced a consultation document setting out the proposed changes. This can be viewed at <http://www.dfpni.gov.uk/rating-review> or, on request, from the Office of the Chief Executive.

The consultation will run for a 12 week period. Comments should be provided by 28th June 2013.

85.17 CONSULTATION ON DRAFT GUIDANCE ON TERMINATION OF PREGNANCY

The Minister for Health, Social Services and Public Safety circulated draft guidance on termination of pregnancy to the Northern Ireland Executive on 7th March. The Executive considered the document, "*The limited circumstances for a lawful termination of pregnancy in Northern Ireland: A guidance document for health and social care professionals on law and clinical practice*", at its meeting on 28th March and agreed that a 16 week public consultation should be held.

This draft guidance builds on previous versions that have been consulted upon. It provides guidance to health and social care professionals on the law in Northern Ireland. The new document confirms that terminations of pregnancy should only result under limited and exceptional circumstances. It recognizes that treatment of a pregnant woman that leads to termination of pregnancy will only have been carried out of the purpose of concern for the woman's health. Any harm to an unborn child must only be incidental to that treatment.

The guidance document recommends that consultant psychiatrists should be involved in the assessment of a woman's mental health when it is related to grounds for terminating a pregnancy.

A new section has been added to accountability and information collection, emphasizing that organizations must have robust systems in place to ensure compliance with the law.

The Department invites comments on the draft guidance during the consultation period which runs from 8th April to 29th July 2013. The guidance document can be accessed at www.dhsspsni.gov.uk/index/consultations/current_consultations.htm or, on request from the Office of the Chief Executive.

At the request of Councillor Finlay that Council make representations to the Minister calling for the legislation to remain unchanged, it was agreed that a copy of the guidance document be circulated to members to provide further clarity on existing legislation.

85.18 CONSULTATION ON A DRAFT FINANCIAL CAPABILITY STRATEGY FOR N.I.

The Department of Enterprise, Trade and Investment (DETI) is seeking views on a Financial Capability Strategy for Northern Ireland Consumers by 31 July. The consultation will be listed for Consultation Committee meeting June 2013.

Financial Capability is about having the skills and confidence to manage money effectively, and being able to access support and advice on money management issues when required. The strategy is one of a series of Executive interventions designed to break the cycle of deprivation, educational under-achievement, and economic disengagement, and to improve the health and wellbeing of our population.

The Consultation document (along with a supporting evidence document), is available to view or download, from the DETI website (www.detini.gov.uk) where it can be found under the heading 'Consultations' or from the Office Chief Executive on request.

As part of the 12 week public consultation on the Strategy, the Department will hold a number of consultation events. These offer further opportunities to discuss the key issues on Financial capability for Northern Ireland consumers. Details of the events will be posted on the DETI website over the next few weeks.

If you wish to be invited to a consultation event please contact Office of the Chief Executive Telephone 028 2766 0201

Councillor Robinson expressed an interest in attending the consultation event.

85.19 BLUE BADGE SCHEME – CONSULTATION

The Department for Regional Development (DRD) has published a consultation document on its proposal for changes to the Blue Badge Scheme.

The consultation document contains a number of planned and potential changes to the Blue Badge Scheme:

- Options for changes to the Department's Blue Badge eligibility criteria that have to be made to enable any passported benefits from Personal Independence Payments.
- Extending the eligibility criteria for a Blue Badge to include children between the ages 2-3 with specific medical conditions.
- Changing the application process for obtaining a Blue Badge.
- Moving to the same central database and Blue Badge design and issue as the rest of the UK.

- Increasing the fee (possibly gradually) for a Blue Badge and replacement badge.
- Consideration of whether there is a need for Blue Badge Holders to park for free in the Department's car parks

Copies of the consultation document can be obtained from www.drdni.gov.uk or on request from the Office of the Chief Executive.

The closing date for comments is 30th July 2013

Councillor Robinson requested a copy of the consultation document.

85.20 ROADS SERVICE LICENCE RENEWALS

A schedule of applications was circulated for members' information.

The meeting closed at 8.00 pm.