

LIMAVADY BOROUGH COUNCIL
COMHAIRLE BHUIRG LÉIM AN MHADAIDH

PLANNING AND SERVICES COMMITTEE

3 AUGUST 2006

Minutes of meeting held in the Council Offices, 7 Connell Street, Limavady at 7.00 pm on the above date.

PRESENT:

Aldermen G Mullan and G Robinson. Councillors A Brolly, P Butcher (chair), M Carten, B Chivers, M Coyle, M Donaghy, B Douglas, C Ó hOisín, J F McElhinney, A Robinson and E Stevenson.

IN ATTENDANCE:

Committee Clerk, Director of Environmental Services, Mr Adrian Brown and Mr James Duffy, Planning Service.

APOLOGIES – Alderman Rankin

ELECTION OF CHAIRPERSON:

The Mayor took the chair and sought nominations for Chairperson of the committee for the year 2006/07. He reminded members that it had been agreed at the 2005 AGM that the chair would be a member of Sinn Féin.

Councillor Ó hOisín proposed and Councillor Brolly seconded that Councillor Butcher be elected as chair of the committee.

Councillor Douglas objected and said Sinn Féin had obviously decided at the 2005 AGM that the committee would be nationalist controlled for the four years period. Councillor Cubitt agreed and said both Councillor Douglas and Councillor Carten had been excellent chairs for many years.

Councillor Butcher took the chair and thanked Councillor Carten for all his hard work as chair the previous year.

MINUTES:

The minutes of meeting dated 1 June 2006 were approved and signed on the proposal of Alderman Robinson, seconded by Councillor Carten.

MATTERS ARISING:

Contact between Elected Members & Planning Service: Mr Brown explained that Council needed to have an input into how contact could be improved between Planning Officers and elected members. Councillor Coyle suggested that a working group of one member from each party be established before the next Planning & Services Committee meeting.

Removal of Hoardings: Councillor Cubitt congratulated Planning Service on hoardings which had been removed along Clooney Road but queried what action Planning Service would be taking to ensure illegal signs which commemorated the hunger strike would be removed.

Mr Brown stated that the problem was endemic throughout the province and that Planning Service had to go through the legal process to remove the signs. He said that if a sign was erected on private land, the land owner could be contacted to take the sign down but if erected near a road, it would be Roads Service responsibility to have the signs removed. He added that the Department was also looking at vehicles with illegal signs erected on them.

QPANI: Alderman Robinson informed members that Gregory Campbell MP had met with Minister Kearns regarding the effect of budget cuts on QPANI but the meeting had not been positive.

SCHEDULE OF PLANNING APPLICATIONS: (deferred applications – see appendix)

D1/Refusal: B/2005/0316/O – site for dwelling 200 metres west of the junction of the Carse Road and Spallan Road, Broharris, Limavady (Mr R Peoples) It was agreed on the proposal of Councillor Douglas, seconded by Councillor Stevenson not to accept the refusal decision.

D2/Refusal: B/2005/0591/O – site for traditional rural style dwelling and detached garage approximately 80 metres south west of 25 Garn Road, Dungiven (Mr G O’Connell) Noted.

D3/Refusal: B/2005/0662/F – erection of replacement two storey dwelling at 130 Muldonagh Road, Claudy (Mr McFeely) Mr Brown agreed to hold the application for 10 days before issuing a refusal decision.

D4/Approval: B/2005/0704/RM – erection of one and a half storey dwelling and detached garage adjacent to 19 Dungullion Road, Greysteel (Mr & Mrs McFeely) Welcomed.

D5/Approval: B2005/0794/O – site for two storey replacement dwelling with detached garage/store, Killyblight Road, Dungiven (200 metres south west of 52 Bovevagh Road) (Miss J Wray) Welcomed.

D6/Refusal: B2005/0838/O – site for dwelling with detached domestic garage/store (renewal of outline approval), Lime Road, Limavady (150 metres east of 54 Dunlade Road) (amended description of site location) (Mr J Mullan) It was agreed on the proposal of Councillor Coyle, seconded by Councillor Carten not to accept the refusal decision.

D7/Refusal: B2005/0844/O – site for two storey rural dwelling and detached garage adjacent to 234 Drumsurn Road, Drumsurn Lower, Limavady (Mr E O’Connor) Mr Brown agreed to hold the application for 10 days before issuing a refusal decision.

D8/Approval: B2005/0847/F – erection of two storey dwelling adjacent to 20 Dungullion Road, Greysteel (Mr J O’Kane) Welcomed.

D9/Refusal: B2005/0869/O – site for traditional rural dwelling with detached garage store, west of 214 Baranait Road, Limavady (Mr & Mrs Brady) Councillor Douglas proposed and Councillor Carten seconded that Council disagree with the refusal decision.

D10/Refusal: B2005/0884/O – site for dwelling and domestic garage within 14 Craigbrack Road, Killylane, Eglinton, Londonderry (Miss S McKeegan) It was agreed on the proposal of Councillor Cubitt, seconded by Councillor McElhinney not to accept the refusal decision.

D11/Approval: B/2005/0907/O – site for traditional rural dwelling with detached garage/store at Loughermore Road, 650 metres south of the Loughermore/Carnamuff crossroads, Limavady (Mr D Shields) Welcomed.

D12/Refusal: B/2005/0921/O – site for traditional rural dwelling with detached garage/store on site adjacent to 149 Carnamuff Road (at corner of junction with Loughermore Road) Glack, Ballykelly (Kmas Properties Ltd) Noted.

D13/Approval: B/2006/0017/F – erection of a rural style one and a half storey dwelling approximately 80 metres south west of 44 Farkland Road, Muldonagh, Claudy (Mr & Mrs P McFeely) Welcomed.

D14/Approval: B/2006/0033/O – site for rural style dwelling adjacent to 156 Muldonagh Road, Muldonagh, Claudy (Mr D O’Neill) **B/2006/0033/O – site for rural style dwelling adjacent to 156 Muldonagh Road, Muldonagh, Claudy (Mr D O’Neill)** Welcomed.

D15/Refusal: B/2006/0060/O – site for replacement dwelling at 32 Coolnasallagh Road, Dungiven (Mr J Hasson) It was agreed on the proposal of Councillor Coyle, seconded by Alderman Mullan not to accept the refusal decision.

D16/Refusal: B/2006/0084/O – site for traditional rural retirement dwelling with detached garage/store for farmer, Drumalief Road, Killybready, Limavady (immediately behind 88 Bolea Road) (Mr & Mrs K Johnston) It was agreed on the proposal of Councillor Stevenson, seconded by Councillor Cubitt, not to accept the refusal decision.

SCHEDULE OF PLANNING APPLICATIONS: (New applications – see appendix)

Mr Brown answered various questions on the applications listed on the schedule and the recommendations were accepted, subject to the following:

B/2004/0032/F – construction of play area at entrance of Foreglen GAC, off Foreglen Road, Dungiven (opposite Columbia Park) (Limavady borough Council) Mr Brown agreed to hold this application for 1 month until access problems could be resolved.

B/2005/ 0573/F – redevelopment of former nightclub site for residential development comprising 21 units (13 dwellings and 8 apartments) and associated car parking located at 145 Main Street, Dungiven (MBC Developments Ltd) It was agreed that members of Glenshane Community

Development Ltd would arrange for a meeting to take place in Dungiven Castle regarding the 587 objections to approval of this application.

B/2006/0052/O – site for dwelling adjacent to 180 Legavallon Road, Dungiven (Mr E McCloskey) Mr Brown agreed to hold the application for one month for follow up contact with the agent.

B/2006/0154/O – site for dwelling on lands 200 metres south east of 44A Gortnarney Road, Limavady (Mr G Smith) It was agreed on the proposal of Councillor Douglas, seconded by Councillor Cubitt, not to accept the refusal decision.

Site/Office Meetings: Site/office meetings were arranged for Friday 18 August 2006 commencing at 9.15 am for the following applications:

B/2004/0333/O – site for “cottage” style replacement bungalow with detached garage/store adjoining 917 Glenshane Road, Carn, Dungiven (Mr M McLaughlin);

B/2004/0334/O – site for two storey replacement dwelling at 917 Glenshane Road, Carn, Dungiven (Mr M McLaughlin);

B/2005/0529/F – demolition of retail unit and replacing same with two storey retail unit with retention of fuel filling station and provision of on-site parking facility (revised location of building) at 39 Station Road, Dungiven (Mr F McNicholl);

B/2005/0639/O – site for farm dwelling adjacent to 88/90 Carlaragh Road, Limavady (Mr R Crown);

B/2005/0708/F – change of use of ground floor offices to retail unit (Class A1 Use) located at 145 Greystone Road, Limavady (Mr S Clarke);

B/2006/0065/F – erection of two storey dwelling and attached domestic garage 130 metres north west of 59 Killunaght Road, Killunaght, Dungiven (Mr & Mrs A Smyth);

B/2006/0119/O – site for dwelling (with demolition of existing outbuildings/barns) adjacent to 200 Drum Road, Dungiven (Mr S McCaul);

B/2006/0136/F – construction of a roofed midden (portal framed agricultural shed) and an underground slurry tank 220 metres north east of 98 Highlands Road, Limavady (Mr G Alcorn);

B/2006/0146/F – two storey extension to dwelling to provide self contained unit of accommodation (granny flat) at 45 Tully Road, Limavady (Mr & Mrs A Sherrard);

B/2006/0160/O – site for one and a half storey dwelling and domestic garage 200 metres west of 145 Carnamuff Road, Limavady (Mr S Roddy);

B/2006/0164/F – erection of one and a half storey dwelling approximately 200 metres east of 79 Kilhoyle Road, Limavady;

B/2006/0185/F – change of house type from detached bungalow to two semi-detached one and a half storey chalet style bungalows with integrated garages on site 63 – adjacent to 99 Rose Park, Limavady (Windyhill Developments Ltd);

B/2006/0196/0 – site for traditional two storey farm dwelling with detached domestic garage/store 200 metres west of 145 Baranait Road, Drumraighland, Limavady (Mr & Mrs P Hamilton);

Planning Appeals: Details of Planning Appeals as listed in the Schedule were noted.

NOTICE OF MOTION:

Councillor Coyle proposed that:

‘That this Council now fill those positions left vacant at its 2005 AGM at the next full Council meeting in August. This should follow the procedure adopted at that AGM, so that all positions are filled unto the end of the Council term.’

Councillor Coyle outlined that he had brought forward the motion as a number of positions remained vacant since decision at the 2005 AGM to use the d’Hondt system to allocate by party the positions of Mayor, Deputy Mayor, and chairs for the four year period. He said at a recent meeting reference had been made to Professor Elliott and the d’Hondt method used by Limavady Council and that this had also been highlighted in a newspaper article in which the Professor discussed the d’Hondt method. He added that Professor Elliott had asserted in the article that no matter what system Council decided to use, that decision made by the Council was then the system by which Council should in future carry out its decision.

Councillor Coyle suggested that the sooner the positions were filled the better as Council had more weighty matters to discuss and proposed that if unionist members were either unable or unwilling to fill the positions, then Council continues down the list used at the 2005 AGM to fill the positions. Alderman Mullan seconded the motion.

Unionist members objected to the motion and requested opinion on whether:

1. the motion was legal
2. whether it was appropriate for other parties to fill vacant seats
3. the need for clarification on what system of d’Hondt Council was applying and
4. questioned if vacant seats could be filled for a four year period.

A number of heated comments were made in the debate that followed and the chair decided to adjourn the meeting for 5 minutes at 8.45 pm.

When the meeting resumed Councillor Coyle called for support to the motion and said the d’Hondt debate which had been going on for over 12 months was causing tension amongst staff who had to listen to heated comments week after week. He suggested that Council now concentrate on issues such as the RPA, Waste Management and PPS 14.

The motion was put to the meeting and declared carried with 9 voting for, and 5 against.

It was agreed that the Chief Executive would clarify issues relating to the legality of the motion at the Monthly Council meeting.

ROADS:

Various Issues: It was agreed that the following concerns would be highlighted to Roads Service:

- cars being sold from the lay-by along the Clooney Road and lorries pulling in to use the garden nearby as a toilet;
- request that Roads Service use some of the additional £400 million budget allocation for rural roads;
- lay-by coming onto Limavady bypass also used for selling cars;
- the need for additional car parking spaces at Drumavalley and
- barrier needed at the back of houses on Knocculen Road.

WATER & SEWERAGE:

Blocked Sewer – Mullaghmesh Road: Councillor Donaghy suggested that Council write to Water Service requesting that a blocked drain at the end of Mullaghmesh Road be cleared as a matter of urgency. Agreed.

HOUSING: - none.

CONSULTATIONS:

The Director of Environmental Services presented the following consultations documents for comment by members.

- (a) Proposed Wind Farm Development – located in the Townland of Bunbeg (comments due as soon as possible)
- (b) DVLNI – Application for the Amendment of a Road Service Licence Ulsterbus Ltd (response due 11 August 2006)
- (c) Draft Northern Ireland Rural Development Programme 2007 – 2013 (response due 14 August 2006)

Councillor Butcher voiced disappointment at the forthcoming 14 August 2006 deadline for response to the Draft Northern Ireland Rural Development Programme 2007-2013 and said this would have implications as most Council's were on recess in July or August and that a large number of staff were on holiday. Councillor Cubitt agreed that it would be impossible for Council to respond by the given deadline and suggested that the Department of Agriculture and Rural Development extend the deadline to facilitate a response by the Corporate Policy Officer. Agreed.

DOCUMENTS TABLED FOR INFORMATION:

- a. Water Service – Benone WWTW Notice of Intention to make a Vesting Order
- b. Planning Service – The Planning (Claims for Compensation) Regulations (NI) 2006

- c. Roads Service – Matter Arising from presentation of Roads Service Report on 23 May 2006
- d. Environmental Impact Assessment – proposed Windfarm Development on lands at Dunbrock Mountain, Co. Londonderry

Members voiced opposition at the Notice of Intention by Water Service to make a Vesting Order for Benone Waste Water Treatment Works and suggested that Water Service fully explore the proposed alternative sites. Agreed.

REQUEST FOR COUNCIL TO JOIN WITH OTHER COUNCILS IN CHALLENGING PPS 14 – SUSTAINABLE DEVELOPMENT IN THE COUNTRYSIDE – JUDICIAL REVIEW:

The Director of Environmental Services explained that Omagh District Council had been successful in being granted leave for a judicial review of the Minister's decision in relation to PPS14 on 27 June 2006. He said the Omagh District Council had requested that Council join with Omagh, Cookstown and Strabane in challenging PPS14 which would have implications for the sustainability of both urban and rural community's right across Northern Ireland.

Councillor Coyle queried if Council could become involved as earlier in the year his Notice of Motion for Michael Graham to respond to PPS14 on Council's behalf had been overturned. In the debate that followed, members gave overall support for the judicial review, however, it was agreed that the Director of Environmental Services would investigate and what this would entail in terms of costs for decision at the Monthly Council meeting.

ANY OTHER BUSINESS:

Bins - Lay-by at Faughanvale Bar: Councillor McElhinney requested that Council clear overflowing bins on the lay-by opposite Faughanvale Bar. Agreed.

NEXT MEETING - Thursday 7 September 2006

THIS CONCLUDED THE BUSINESS
(The meeting ended at 9.40 pm)

Signed: _____
Chair of Meeting