

Unclassified

1

ITEM 10**Ards and North Down Borough Council**

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| Report Classification | Unclassified |
| Council/Committee | Planning Committee |
| Date of Meeting | 06 December 2022 |
| Responsible Director | Director of Regeneration, Development and Planning |
| Responsible Head of Service | Head of Planning |
| Date of Report | 16 November 2022 |
| File Reference | |
| Legislation | Local Government Act 2014 |
| Section 75 Compliant | Yes |
| Subject | Quarter 2 Performance Report |
| Attachments | N/A |

Context

Members will be aware that Council is required, under the Local Government Act 2014, to have in place arrangements to secure continuous improvement in the exercise of its functions. To fulfil this requirement Council approved the Performance Management Policy and Handbook in October 2015. The Performance Management Handbook outlines the approach to Performance Planning and Management process as:

- Community Plan – published every 10-15 years
- Corporate Plan – published every 4 years (Corporate Plan Towards 2024 in operation)
- Performance Improvement Plan (PIP) – published annually (for publication 30 September 2022)
- Service Plan – developed annually (approved April/May 2022)

The Council's 18 Service Plans outline how each respective Service will contribute to the achievement of the Corporate objectives including, but not limited to, any relevant actions identified in the PIP.

Unclassified

2

Reporting approach

The Service Plans will be reported to relevant Committees on a quarterly basis as undernoted:

| Reference | Period | Reporting Month |
|----------------|--------------------|-----------------|
| Quarter 1 (Q1) | April – June | September |
| Q2 | July – September | December |
| Q3 | October – December | March |
| Q4 | January - March | June |

The report for Quarter 2 2022-23 is attached.

Key points to note:

- A total of 235 planning applications in the Local category of development were received, whilst 306 were decided/withdrawn.
- Householder decision totalled 159, of which 54 were determined within the internal performance target of 8 weeks (34%) whilst a total of 91 were determined within the statutory target of 15 weeks (57%). Performance in this area has been affected by staff absences.
- Enforcement cases continue to be processed alongside the significant backlog caused by temporary suspension during COVID.
- Two appeals were upheld during this quarter, one relating to Quintin Castle, the other relating to an agricultural shed at Drumhirk Way (by time appeal heard and decision issued, the six year test had been passed)

RECOMMENDATION












It is recommended that the Council note the report.

Unclassified

3

Quarterly Performance Report - Planning

Generated on: 16 November 2022

| Performance Data Traffic Light Icon | PI Short Name | Performance Data Current Value | Performance Data Current Target |
|---|---|--------------------------------|---------------------------------|
|  | Undertake health and condition surveys of all existing historical Tree Preservation Order (TPO) sites | 50% | 50% |
|  | Number of weeks to process local applications from date valid to decision or withdrawal | 18.4 | 15 |
| - | Number of weeks to process major applications from date valid to decision or withdrawal | 0 | 30 |
|  | % of householder applications processed to recommendation with 8 weeks | 34% | 75% |
|  | Appeals against refusal of planning permission dismissed by PAC | 0% | 60% |
|  | % spend against budget | 98.94% | 100% |
|  | % audit reports satisfactory or above | 100% | 100% |
|  | % progress of all enforcement cases to target conclusion within 39 weeks of receipt of complaint (i.e. case closure, date on which Enforcement Notice or Breach of Condition Notice issued, summons to court (date solicitor instructed) | 44% | 70% |
|  | AND, alongside 9 other Councils and the Department for Infrastructure, has agreed to award a contract to replace the NI Planning Portal system; the project is well underway and in its design and configuration stage | 60% | 0% |
|  | Continue to work alongside Department for Infrastructure to identify improvements to the planning system through review of the implementation of the Planning Act, and contribution of consultees to the planning system (meetings/workshops) | 3 | 3 |
|  | % staff attendance | 92.51% | 95% |
|  | % staff reporting regular/monthly receipt of team briefings | 100% | 100% |

Unclassified

4

ITEM 11**Ards and North Down Borough Council**

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|-----------------------------|---|
| Report Classification | Unclassified |
| Council/Committee | Planning Committee |
| Date of Meeting | 06 December 2022 |
| Responsible Director | Director of Regeneration, Development and Planning |
| Responsible Head of Service | Head of Planning |
| Date of Report | 21 November 2022 |
| File Reference | |
| Legislation | The Planning Act (Northern Ireland) 2011 |
| Section 75 Compliant | Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Not Applicable <input type="checkbox"/> |
| Subject | Proposed amendment to the Planning Enforcement Strategy |
| Attachments | Item 11a - Proposed Planning Enforcement Strategy |

Members will be aware of the existence of the Council's Planning Enforcement Strategy which was adopted prior to the transfer of the majority of planning powers.

It is considered appropriate to add the following wording to the Strategy, to highlight to readers that the Planning Service is unable to provide detailed updates during the processing of a planning enforcement investigation, as this may prejudice the case if it were determined appropriate to take formal action.

The following wording has been added at paragraph 14.1-14.2.

- 14.1 Please note that the Council is unable to provide any specific details of any ongoing and active planning enforcement cases to any interested parties, which includes complainants or site owners/occupiers/operators. This is not to be unhelpful however it should be emphasised that any release of information could prejudice the effectiveness of the Council's case should future enforcement action be taken.
- 14.2 The Council, nonetheless, wishes to assure all those interested in the enforcement process that this does not imply inactivity. As outlined previously in this Strategy the Council takes its responsibilities seriously and would

Unclassified

5

reiterate that all cases are thoroughly, professionally and diligently investigated in line with planning legislation.

The Strategy will also be updated to advise how members of the public can lodge a complaint regarding an alleged breach of planning control on the new Planning Portal, as soon as the details are known following launch.

RECOMMENDATION

It is recommended that Council note the content of this report and approve the change as set out to the Planning Enforcement Strategy, and furthermore approve officers to add the detail regarding how to lodge a complaint online, in respect of the new Portal, once known.

Planning Enforcement Strategy

Version 2 December 2022
Version 1 April 2015



**Ards and
North Down**
Borough Council

1.0 Introduction

- 1.1 Ards and North Down Borough Council places great importance on protecting our communities, our heritage and the natural environment from unauthorised development that causes harm, or which shows a disregard for the planning system. To ensure that we can take action when it is right to do so, we provide a Planning Enforcement service which investigates complaints and provides professional advice on enforcement matters.
- 1.2 The Council's function as the planning authority for Ards and North Down borough is set out in the Planning Act (Northern Ireland) 2011 ("the Planning Act"). The Council's Planning Service administers most of these planning functions including the discretionary power to take action against breaches of planning control.
- 1.3 Section 131 (1) of the Act states that a breach of planning control is:
- a) carrying out of development without the planning permission
 - b) failing to comply with any condition or limitation subject to which planning permission has been granted
- 1.4 Section 131 (2) of the Act states that:
- a) the issue of an enforcement notice; or
 - b) the service of a breach of condition notice
- constitutes taking enforcement action.
- 1.5 The main enforcement powers available to the Council in relation to planning are contained in Part 5 of the Act.
- 1.6 The purpose of the policy is to:
- explain the key objectives of the enforcement of planning control in Ards and North Down Borough;
 - explain how breaches of planning control will be investigated;
 - set out the Council's priorities for investigating breaches of planning control.

2.0 Guiding statement

- 2.1 Under the provisions of the Planning Act (Northern Ireland) 2011 a council has a general discretion to take enforcement action when it regards it as expedient to do so, having regard to the provisions of the local development plan and any other considerations.
- 2.2 The Council's approach to planning enforcement is set out in the following statement:

“Ards and North Down Borough Council attaches great importance to the protection and enhancement of the natural and built environments of the borough through the planning process. Compliance with and respect for that process are both essential and expected, and the Council will not condone willful breaches of planning control.

While enforcement action will always need to be commensurate with the breach to which it relates, the Council will not hesitate to be firm and robust in its response in appropriate circumstances, including recourse to the courts.

Every effort will be made to resolve inadvertent or minor breaches through discussion and retrospective planning applications. More serious breaches (including those considered to be willful) are likely to result in formal enforcement action.”

3.0 Objectives for planning enforcement

3.1 The Council's key objectives for planning enforcement are:

- to bring unauthorised activity under control
- to remedy the undesirable effects of unauthorised development including the removal or cessation of unacceptable development
- to take legal action, where necessary, against those who ignore or flout planning legislation

3.2 The Council is committed to securing these objectives to ensure that the credibility and integrity of the planning system is not undermined.

4.0 What is a breach of planning control?

4.1 A breach of planning control occurs when building works or a material change of in use of land, or a building, takes place without planning consent. In most cases, it is not an offence to undertake development without consent. The Council has powers to require these breaches to be put right. We can do this by requiring changes to be made to the development, by requiring removal of the development, or by giving the development approval if we think it is acceptable.

4.2 Examples of planning breaches include:

- not building in accordance with approved plans (following grant of permission)
- failing to comply with conditions attached to an approval
- unauthorised works to a listed building
- removing or lopping trees protected by a Tree Preservation Order or in a

Conservation Area

- display of an advertisement without advertisement consent
- changing the use of land without planning permission

4.3 Things which are not a breach of planning control include:

- internal works to a non-listed building
- clearing land of overgrowth, bushes or trees (provided these are not protected)
- operating a business from home, where the residential use remains the primary use and there is no adverse impact
- where development is 'permitted development', it does not require the Council's express consent
- parking commercial vehicles on the highway
- boundary disputes – these are a civil matter and cannot be controlled by planning legislation

5.0 What happens if we are told about a breach of planning control?

5.1 If someone believes that a breach of planning control has occurred, they should:

- a) contact the Council's Planning Enforcement team (in person, by telephone, in writing or by email planning@ardsandnorthdown.gov.uk)
- b) give the address of the site or directions (we may need a plan so that we know exactly where the site is)
- c) detail exactly what has happened and when it first occurred
- d) provide the name and address of the landowner or landowners or the person responsible for carrying out the works, if known.

5.2 We don't investigate anonymous complaints. We require the name and contact details of the person reporting a breach of planning control. Their contact information will remain confidential unless we need to use their evidence to support our case, for example, if the matter goes to court. We will ask for their consent to use their evidence.

6.0 How will we respond to the information we are given?

6.1 When processing a complaint about a planning breach, we will:

- a) acknowledge the complaint in writing (or by email) and provide a case reference within five working days of receipt
- b) check the site planning history
- c) visit the site within the requisite time period (priorities are shown in 10.2 below)
- d) establish whether we believe there is a breach of planning control
- e) identify the landowner
- f) identify the person(s) responsible for carrying out the breach (if not the landowner)
- g) issue a Planning Contravention Notice (a formal request for information) if necessary

- h) inform the complainant if there will be any formal action following the investigation (without prejudice to the case) – in many cases we cannot provide information until the case is closed
- 6.2 After investigation we may decide that there has not been a breach of planning control. When we make this decision, we will close the case immediately. We will not re-open the case unless there is significant new information or a change on site. We may also decide that although there has been a breach, it is not causing enough harm to justify taking further action. We will take into account why the breach may have happened, how many people are affected, how they are affected and whether there is a cumulative effect that adds up to an unacceptable situation.
- 6.3 Not every complaint about a breach of planning control justifies further action. We use our judgement based on experience, case law and the likelihood of success.
- 7.0 Where there is a breach of planning control that needs resolving**
- 7.1 If we decide that there has been a breach of planning control that we are going to pursue further, we will:
- ask for things to be put back the way they should be; or
 - without prejudice, invite an application for the unauthorised development if it is considered possible that planning permission might be granted, normally allowing 28 days for its submission; or
 - try to resolve the situation through negotiation without allowing the matter to become protracted. This may mean agreeing a compromise or partial change that we are happy with. It is at our discretion to decide whether this would be sufficient.
- 7.2 When we ask for a retrospective planning application, we will normally wait a reasonable period for this to be submitted and for its determination before taking further enforcement action. Where it appears that the applicant is deliberately delaying progress of the application or there is no prospect of planning permission being granted, we may take immediate enforcement action.
- 7.3 Under planning legislation, breaches of planning control that have existed for many years can be immune from enforcement action, i.e. are lawful. If, through discussions with the landowner and other interested parties, it appears that the alleged breach might be lawful, then we will normally invite the submission of an application for a Certificate of Lawfulness of Existing Use or Development (CLEUD). Such applications are based on fact and the relevant test is 'the balance of probabilities'. Applications can be delayed due to difficulties in obtaining evidence, although the Council will not allow the matter to become protracted.

- 7.4 Until the council is satisfied that the development is lawful, usually by the granting of a CLEUD, the alleged breach of planning control remains open to possible enforcement action.
- 8.0 If a breach of planning control is not resolved through negotiation, is refused permission (or an appeal against refusal dismissed) or the invitation to submit an application is declined, we will:**
- consider the expediency of taking further enforcement action;
 - take into account the government's advice in the Strategic Planning Policy Statement.
- 8.1 Sometimes we will decide not to remove or change everything about an unauthorised development. There may be certain elements of the development that can be brought under control, such as hours of use or the position of a window, without further delay. If these are the things that are really important, we may agree these but not pursue other less important matters.
- 8.2 If further enforcement action is necessary, the Planning Enforcement team will:
- instruct the Council's Planning solicitors
 - issue an Enforcement Notice or other relevant notice within 28 days of sending those instructions
- 8.3 When someone receives an Enforcement Notice, they may elect to lodge an appeal to the Planning Appeals Commission (PAC) within 28 days. It may be a matter of months before the PAC hears the appeal.
- 8.4 If they don't lodge an appeal, the Notice takes effect 28 days after the date it was issued.
- 8.5 An Enforcement Notice includes requirements for remedying the breach of planning control and provides a period for compliance. Failure to comply with an Enforcement Notice is a criminal offence. We can prosecute someone in the Magistrates' Court for their failure to comply. If convicted, the maximum fine is £100,000.
- 8.6 In an Enforcement Notice there are two separate offences – one as landowner and one as 'the person in control of', or who has an estate in the land to which the notice relates (other than the owner).
- 8.7 The Council has authority to enter the land and undertake the works to comply with the requirements of the Enforcement Notice (known as 'Discontinuance Orders'). The council will claim the costs of undertaking the works from the landowner by taking the landowner to court to recover this debt immediately. This can be an effective way to secure compliance with an Enforcement Notice, but the Council incurs costs. In most cases the Council prefers to prosecute the landowner to secure their compliance.

- 8.8 In cases of severe harm the Council can apply for an injunction in the County or High Court.
- 9.0 Immediate action**
- 9.1 When we consider there is a clear-cut breach of planning control which is causing immediate harm, we may issue a Stop Notice or Temporary Stop Notice, which should bring about the immediate cessation of certain types of unauthorised works.
- 9.2 Before taking such action, the Council must carry out a cost/ benefit analysis so that any costs incurred by the developer/operator by having to stop works are taken into account and weighed against the harm being caused.
- 10.0 The Council's enforcement priorities**
- 10.1 The Council investigates all alleged breaches of planning control. To determine if any action should be taken, we prioritise those breaches which we believe will cause the greatest harm.
- 10.2 The priority given is determined by the guiding principle that any action in response to a breach of planning control should be proportionate to the harm it causes. The priorities which reflect this principle are:
- Priority 1:** Work resulting in public danger or development which may result in permanent damage to the environment. For example, demolition of or works to a listed building, trees protected by a Tree Preservation Order, demolition of a building in a conservation area, and commencement of building operations without permission;
- Priority 2:** Unauthorised work/use which cause loss of amenity or any other significant public or private impact.
- Priority 3:** Non-compliance with conditions of a planning approval (unless they relate to serious amenity issues in which case it may fall into Priority 1 or 2).
- Priority 4:** Minor breach that can be regularised, e.g. domestic sheds, fences, extensions.
- 10.3 The above list is not exhaustive and is for guidance only. It is ultimately the responsibility of the Council's Planning Enforcement officers to prioritise cases taking account of the nature of the breach and the harm being caused or likely to be caused.
- 10.4 The priority given is reflected in the timescales against which performance is measured. High priority cases have shorter timescales.
- 10.5 Most breaches of planning control are resolved informally through negotiation

with the owner/occupier or through the submission and consideration of a retrospective planning application.

- 10.6 The speed at which a breach of planning control can be resolved will vary depending on individual cases and general workloads. Usually, officers will confirm whether there is a breach of planning control and explain the Council's position in writing to the land owner/developer within eight weeks of receiving a complaint.

11.0 Performance targets

- 11.1 To measure performance, the council adheres as far as possible to performance targets set out below.

- 11.2 The Council will:

- acknowledge receipt of 75% of complaints within three working days and 95% of complaints within six working days
- site inspect 90% of high priority cases within three working days and 100% within five working days
- site inspect 75% of all other cases within 20 working days and 95% within 30 working days
- discuss and agree a course of action for 95% of high priority cases within two working weeks of receiving the initial complaint
- discuss and agree a course of action for 60% of all other cases within eight working weeks and 95% within 12 working weeks of receiving the initial complaint
- bring 70% of cases to a target conclusion within 39 working weeks (nine months) of receiving a complaint. For the purposes of this strategy 'target conclusion' means case closure, submission of a retrospective planning application, enforcement action or summons to court
- inform complainants of case closure in 75% of cases within two working weeks, and 95% of cases within four working weeks of the Council's decision

- 11.3 To record statistical information and to measure performance against targets, Priority 1 cases, as referred to in paragraph 10.2 above, and any Contravention of Hazardous Substance Control, are categorised as 'high priority'. Cases with Priority rating of 2 to 4, are categorised as a single priority of 'all others'.

11.4 This simplified method of performance measurement reflects the Council's approach to enforcement, focusing on those breaches of planning control where the greatest harm is caused or is likely to be caused.

12.0 Appeals

12.1 Under the provisions of the Planning Act (Northern Ireland) 2011, an appeal may be lodged with the Planning Appeals Commission (PAC) against a refusal of planning permission, an Enforcement Notice, a Listed Building Enforcement Notice, Hazardous Substances Contravention Notice and a Section 164 Notice (replacement of trees). The Planning Appeals Commission is responsible for hearing appeals about planning decisions and issuing determinations. There is more information about the planning appeal process on the PAC website: www.pacni.gov.uk

12.2 When an appeal is pending, the decision on whether to proceed with summons action will be based on the merits of the case and degree of harm caused by the development. The notices referred to above shall be of no effect pending the final determination or the withdrawal of an appeal.

13.0 Legislative timescales

13.1 When considering enforcement action, the Council will bear in mind the statutory time limits for taking enforcement action as set out in Section 132 of the Planning Act.

13.2 Where there has been a breach of planning control consisting in the carrying out without planning permission of building, engineering, mining or other operations in, on, over or under land, no enforcement action may be taken after the end of the period of five years beginning with the date on which the operations were substantially completed.

13.3 Where there has been a breach of planning control consisting of the change of use of any building to use as a dwelling house, no enforcement action may be taken after the end of the period of five years beginning with the date of the breach.

13.4 In the case of any other breach of planning control, no enforcement action may be taken after the end of the period of five years beginning with the date of the breach (10 years for advertisements falling under Class 12 of The Planning (Control of Advertisements) Regulations (Northern Ireland) 2015).

14.0 Communication

14.1 Please note that the Council is unable to provide any specific details of any ongoing and active planning enforcement cases to any interested parties, which includes complainants or site owners/occupiers/operators. This is not to be unhelpful, however, it should be emphasised that any release of information could prejudice the effectiveness of the Council's case should future enforcement action be taken.

- 14.2 The Council, nonetheless, wishes to assure all those involved in the enforcement process that this does not imply inactivity. As outlined previously in this Strategy the Council takes its responsibilities seriously and would reiterate that all cases are thoroughly, professionally and diligently investigated in line with planning legislation.
- 14.3 Under the Council's Planning Scheme of Delegation, all investigation of alleged breaches of planning control and decisions on enforcement are delegated to officers to include:
- Service of an Enforcement Notice;
 - Service of a Listed Building Enforcement Notice;
 - Service of Hazardous Substances Contravention Notice;
 - Service of a Stop Notice;
 - Service of a Temporary Stop Notice;
 - Service of a Breach of Condition Notice;
 - Service of Tree Replanting Notice;
 - Withdrawal/modification of any of the Notices specified above, as appropriate;
 - Service of Warning Letters and Planning Contravention Notices;
 - Determination of applications for Certificates of Lawfulness of Existing Use or Development;
 - Service of a Fixed Penalty Notice, except in circumstances where the person appointed considers the breach of planning control could result in immediate public danger or development which may result in permanent damage to the environment. Examples include: the demolition of, or works to, a listed building; the felling of protected trees; the demolition of a building in a conservation area; or the commencement of building operations without permission;
 - Service of a Discontinuance Order;
 - The instigation of court proceedings e.g. prosecution for non-compliance with a statutory notice or injunction proceedings.
- 14.4 The Planning Committee receive updated on enforcement activity on a quarterly basis. We provide updates on particular cases when asked but we don't provide a routine commentary on progress as this requires resources that are best used investigating reported planning breaches.
- 14.5 To contact officers, write to the Planning Enforcement team: the Planning Service, Ards and North Down Borough Council, 2 Church Street, Newtownards, BT23 4AF or send an email: planning@ardsandnorthdown.gov.uk (type 'Enforcement' as the email subject).

ⁱ 70% within 39 weeks is a statutory performance indicator as set out in The Local Government (Performance Indicators and Standards) Order (Northern Ireland) 2015

In Confidence

16

ITEM 13**Ards and North Down Borough Council**

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|-----------------------------|---|
| Report Classification | In Confidence |
| Council/Committee | Planning Committee |
| Date of Meeting | 06 December 2022 |
| Responsible Director | Director of Regeneration, Development and Planning |
| Responsible Head of Service | Head of Planning |
| Date of Report | 23 November 2022 |
| File Reference | |
| Legislation | The Planning Act (Northern Ireland) 2011 |
| Section 75 Compliant | Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Not Applicable <input type="checkbox"/> |
| Subject | Resolution by Fermanagh and Omagh District Council regarding ROMPs |
| Attachments | Item 7a - Letter from FO dated 07 November 2022 Item 7b - Further response to ANDBC from DFI Minister |

1. The Chief Executive of Fermanagh and Omagh District Council has written to the Council to advise of a recent resolution by that Council of a Notice of Motion regarding Review of Old Minerals Permissions ('ROMPs'). The letter sets out the wording of the resolution to the Minister for Infrastructure and is seeking all councils to support the call to the Minister by making similar representation to the Department for Infrastructure.
2. Members will be aware that Council adopted a similar Notice of Motion in February 2022 by Councillor McKee and Councillor Kendall, which resulted in correspondence between the Council and the Minister for Infrastructure. A copy of the most recent letter dated 01 August 2022 (which was tabled at the Planning Committee meeting of 06 September) is attached for ease of reference regards the Minister's further letter to the Council, which refused to move on the issue of ROMPs.

RECOMMENDATION

It is recommended that Council note the content of this report and attached letter from FODC and delegate authority to the Head of Planning to write to the Chief Executive advising of this Council's previous efforts in respect of ROMPs.

Allison McCullagh
Chief Executive



Fermanagh & Omagh
District Council
Comhairle Ceantair
Fhear Manach agus na hÓmaí

17

Our Ref: Democratic Services

Date: 7 November 2022

Email: democratic.services@fermanaghomagh.com

Chief Executive
Ards and North Down Borough Council
Townhall
The Castle
Bangor
BT20 4BT

Dear Chief Executive,

Re: Motion – Implementation of ROMPs Legislation

At the recent Council meeting held on 1 November 2022, Fermanagh and Omagh District Council adopted the following Motion:

This Council notes with concern how, since Local Government Reform in April 2015, the Department for Infrastructure (and the Department for the Environment before that) has failed to commence section 129 of the Planning Act (Northern Ireland) 2011 on the Review of Old Minerals Permissions (ROMPs).

Members are concerned that such delays in legislating for the need for historic minerals permissions to comply with modern-day environmental standards have already given rise to significant environmental harm that are beginning to impose undue liabilities and responsibilities on public authorities due to repeated Ministerial decisions since 2006 not to commence ROMPs legislation.

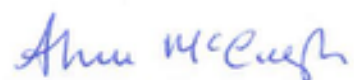
In recognition of the considerable pressures that the implementation of ROMPs will place on the financial and staffing resources of this Council, it is considered unreasonable to have these responsibilities and liabilities imposed upon it due to past Departmental decisions and delays.

Therefore, this Council calls on the Minister for Infrastructure to legislate for the removal of responsibility for the implementation, administration and delivery of ROMPs from this, and all local authorities, and to be implemented, administered and delivered by his Department in the interests of fairness, consistency, accountability and the public good as a matter of urgency.

Furthermore, we will contact the other Councils in the North to support this call and to make similar representation to the Minister/Department for Infrastructure.

The Council trusts that you will support this Motion.

Yours sincerely

A handwritten signature in blue ink, appearing to read "Alison McCullagh".

Alison McCullagh
Chief Executive

From the office of the Minister for Infrastructure
John O'Dowd MLA



Mr Stephen Reid
 Chief Executive
 Ards and North Down Borough Council
 Email:

Room 708
 Clarence Court
 10-18 Adelaide Street
 BELFAST
 BT2 8GB
 Telephone: (028) 9054 0540
 Email: Private.office@infrastructure-ni.gov.uk

Your reference: COR 2022-061
 Our reference: COR-2167-2022
 1st August 2022

Dear Stephen,

REVIEW OF MINERAL PLANNING PERMISSIONS (ROMPS)

The Minister understands your council's concerns that the ROMPs legislation, in the Planning (NI) Act 2011, has not yet been brought into effect. Officials have advised that before it can be commenced, the legislation must be amended. This is to comply with the Environmental Impact Assessment (EIA) Directive, to ensure appropriate transparency and public participation and to make sure that the full quarrying process is covered. The Minister will need to approve this process and it will also require an Executive to be in place.

The Minister appreciates the impact the reopening of Fish Quarter quarry has had on those living nearby and the consequent difficulties your council faces in monitoring and, where possible, mitigating those impacts. Officials have advised that your council has powers under the Clean Neighbourhoods and Environment Act to control nuisance noise, and blasting vibration, from quarries and I am sure you are making full use of these powers.

In relation to the options paper presented to, the then Minister, Nichola Mallon, it did consider council's concerns regarding the resource implications of ROMPs. It also acknowledged that there would need to be extensive engagement with Councils prior to commencement and implementation. The paper suggested options to reduce and spread the potential cost and administrative burden of ROMPs such as phasing; the development of model conditions and new supporting guidance in collaboration with councils and the potential for a ROMPs planning fee to enable councils to recover costs.

As you will be aware, once the Minister has decided to commence the legislative process there will be ample opportunity for further council engagement including full public consultation. This will allow engagement around the detail on how ROMPs will work in the North including measures to assist with implementation. While the Minister appreciates your concerns his initial view is that local government is the most appropriate level at which ROMPs applications should be considered and determined. This is in line with the previous Executive and Assembly's decision to transfer local planning decisions to councils.

I trust I have reassured you that we are still some way off implementing ROMPS in the North and that there will be plenty of opportunity for detailed engagement with Councils throughout the process.

The Minister looks forward to your council and the rest of local government playing its part, along with the Department and the quarrying industry in implementing this important process in the future.

Yours sincerely

A handwritten signature in black ink, appearing to be 'EMMA STOCKMAN', written in a cursive style.

EMMA STOCKMAN
Private Secretary to the Minister



CHAIR
Councillor Anne-Marie Fitzgerald

The Housing Centre
2 Adelaide Street
Belfast BT2 8P8

T: (028) 9598 2752
E: kelly.cameron@nihe.gov.uk
W: nihousingcouncil.org

21st November 2022

Dear Chief Executive

Members of the Northern Ireland Housing Council recently received an update on Lifetime Homes for Northern Ireland. I am writing to urge your Council when developing your Local Development Plan, that you prioritise the inclusion of Lifetime Homes within your Plans.

The Housing Council has always been a great advocate of the Lifetime Home standards which had been adopted in all new social housing in Northern Ireland since 1998. We would like the introduction of the same standards across the private new build housing sector and where possible, to existing social housing stock, especially where major renovations are undertaken.

Members recognise that cost is clearly a significant factor in adopting innovation and must be balanced against short and long-term benefits. Research has shown in the past that, based on the levels of expenditure for adaptations, the cost differential between building to Part R or increasing the standards to Lifetime Homes, could be recouped in 3-10 years. If private sector dwellings were all built to Lifetime Homes then this would provide similar standards across all tenures and sectors and ensure that public money was used more effectively both in the purchase of the higher standard of dwelling and in the money saved in future adaptation work.

Lifetime Homes deliver benefits across a number of departments and agencies.

They include:

- the costs of residential care that could otherwise be avoided;
- levels of social care that could be reduced or removed;
- impacts on independent living, employment and social life;
- falls and other accidents which can be life changing or fatal;
- mental health impacts; impacts on general health;
- avoidable hospital admissions; and
- Increased stays in hospital due to lack of accessible housing to return to ('bed blocking').



CHAIR
Councillor Anne-Marie Fitzgerald

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Investment in Lifetime Homes also reduces the need for Disabled Facilities Grants provided by the Housing Executive, from public money, to adapt private sector homes to an accessible standard for ambulant disabled or independent wheelchair users.

The Housing Council feels it would be more valuable in the long-term to move towards a situation where all housing is universally usable and will benefit all users and visitors and would welcome the regulations to be brought in-line with the social developers of Lifetime Homes Standards.

Members would like you to consider this request, which feel would benefit everyone in the long-term.

Yours sincerely,

Kelly

Kelly Cameron (Secretary)
On behalf of
Anne Marie Fitzgerald (Chair)