

NEWRY, MOURNE AND DOWN DISTRICT COUNCIL

Ref: SE/2024

**Minutes of Sustainability & Environment Committee Meeting held on
Wednesday 20 November 2024 at 6.15pm in Council Chamber, Monaghan Row, Newry**

Chair: Councillor G Kearns

In attendance in Chamber: Councillor T Andrews Councillor P Campbell
Councillor C Enright Councillor K Feehan
Councillor V Harte Councillor J Jackson
Councillor M Larkin Councillor H Reilly
Councillor M Ruane Councillor D Taylor
Councillor H Young

Committee Members in attendance via Teams: Councillor J Brennan Councillor O Magennis

Non-Committee Members in attendance via Teams: Councillor C Bowsie

Officials in Chamber: Mrs S Murphy, Director Sustainability and Environment
Mr C Sage, Assistant Director Sustainability
Mrs S Trainor, Assistant Director Environment
Mrs F Branagh, Democratic Services Officer
Mrs N Stranney, Democratic Services Officer

SE/131/2024: APOLOGIES AND CHAIRPERSON'S REMARKS

Apologies were received from Councillors Finn

SE/132/2024: DECLARATIONS OF "CONFLICTS OF INTEREST"

Councillor Andrews and Taylor declared an in interest to item 11 – PeacePlus funding call for Clean Air

SE/133/2024: ACTION SHEET: SUSTAINABILITY AND ENVIRONMENT COMMITTEE MEETING HELD ON 23 OCTOBER 2024

Read: Action Sheet of the Sustainability and Environment Committee Meeting held on 23 October 2024. **(Copy circulated)**

NS/091/2022 – Enforcement Improvement Plan Update

Councillor Enright referenced a league table produced by the Belfast Telegraph regarding statistics on number of fines issued by Councils across Northern Ireland. He proposed submitting the league table to the Strategic Finance Working Group for validation, suggesting that if Council adopted similar practices, the resulting figures would help cover workforce wages. Councillor Young seconded the proposal.

AGREED: On the proposal of Councillor Enright, seconded by Councillor Young, it was agreed to submit a league table of other Councils' enforcement practices to the Strategic Finance Working Group.

AGREED: On the proposal of Councillor Andrews, seconded by Councillor Campbell, it was agreed to note the Action Sheet of the Sustainability and Environment Committee Meeting held on 23 October 2024.

FOR DECISION

SE/134/2024: MID-YEAR ASSESSMENT OF S&E DIRECTORATE BUSINESS PLAN

Read: Report dated 20 November 2024 from Mrs S Murphy, Director of Sustainability and Environment, regarding the Mid-Year Assessment of the Sustainability and Environment Directorate Business Plan 2024-25 **(Copy circulated)**

AGREED: On the proposal of Councillor Andrews, seconded by Councillor Jackson, it was agreed to approve the Mid-Year Assessment of the Sustainability and Environment Directorate Business Plan 2024-25.

SE/135/2024: POWERS UNDER ARTICLE 4 & 5 OF THE WASTE AND CONTAMINATED LAND ORDER (NI) ORDER 1997

Read: Report dated 20 November 2024 from Mrs S Trainor, Assistant Director: Environment, regarding the Powers under Article 4 & 5 of the Waste and Contaminated Land Order (NI) 1997 **(Copy circulated)**

Mrs Trainor presented the report on new enforcement powers granted to the Council under Articles 4 and 5 of the Waste and Contaminated Land Order (NI) 1997 to address fly-tipping. She outlined the higher penalty levels compared to the Litter Order (NI) 1994, noting that the use of these powers was discretionary based on the incident's nature and scale.

Councillor Enright sought clarification on the use of the powers, particularly under Article 4 highlighting that, previously, officers needed an admission from an individual, even if fly-tipped rubbish contained identifying information, as this alone was not enough for prosecution. Councillor Enright asked whether Articles 4 or 5 addressed these issues and whether the new powers would allow the installation of cameras in fly-tipping hotspots.

Mrs Trainor clarified that issuing fixed penalty notices was based on the information found, and once issued, the offence was confirmed. She advised that the process was similar to litter enforcement, but with higher fines, and it was particularly relevant for addressing large-scale dumping issues regularly investigated across the District.

Councillor Taylor raised concerns about recurring fly-tipping black spots in the district, which he reported regularly and questioned how the £400 fine compared to the actual cost of clearing up these areas. He asked whether any research had been done to compare the costs of these clean-ups and requested that a range of figures, from the lowest to the highest costs, be brought back on specific spots affected.

Mrs Trainor stated that small-scale dumping differed from large-scale dumping, with the latter falling under Article 4, based on the volume of waste disposed of.

Councillor Taylor acknowledged that while £400 might have seemed high, it was reasonable given the severity of the issue highlighting that those responsible for fly-tipping were likely saving money by deliberately dumping waste, which incurred costs for the Council.

AGREED: On the proposal of Councillor Enright, seconded by Councillor Campbell the following was agreed:

- **Approve Fixed Penalty Notices for the offence of illegally depositing waste contrary to Article 4 of the Order is set at the maximum of £400, with an early payment option of £300 if paid within 14 days from receipt of the Notice.**
- **An early payment option for the £300 Fixed Penalty Notice for the duty of care offence, contrary to Article 5 of the Order, is set to £200 if paid within 14 days from receipt of the Notice.**
- **The Director of Sustainability and Environment and the Assistant Director of Environment be authorised to take decisions on behalf of Council as to when it is appropriate to use council's discretionary powers under the Order.**

SE/136/2024: UPDATE ON THE REVIEW OF CARAVAN SITE LICENSE CONDITIONS

Read: Report dated 20 November 2024 from Mrs S Trainor, Assistant Director: Environment, regarding a business case for the procurement of litter bins. **(Copy circulated)**

Mrs Trainor provided an update on the review of the Council's caravan site licence conditions stating that Environmental Health officers consulted with 25 caravan site owners and 5 sites requested an amendment to condition 2 to allow year-round operation. The total number of caravans on sites was updated, and the main waste management challenge identified was the segregation of food waste.

Councillor Young raised on behalf of Cllr Truesdale inquired whether only site owners were consulted during the review process and asked. She also how the sites could remain open year-round without being used as permanent residences. She stated that given the ongoing capacity issues in Newcastle and Annalong, had NI Water been consulted and she raised concerns about enforcement, particularly considering the existing challenges in towns and villages. Finally, she asked whether caravan owners would incur additional costs for 365-day access, regardless of their preference.

Mrs. Trainor clarified that the Council issue caravan site licences to site owners, not individual caravan owners, and to consult all caravan owners would be extensive, therefore only site owners were consulted in line with the Caravan licenses. The Environmental Health Department was responsible for enforcing caravan site licence conditions therefore they deal directly with site owners. Caravan site owners must ensure caravan owners have a permanent residential address, as per the lease agreement, and it was their responsibility to enforce this, not the Council. Mrs Trainor further confirmed that NI Water had not been consulted, however, officers would assess the need for consultation. She stated that given the additional usage in January and February amounted to up to eight weekends a year, it was not deemed excessive. Regarding extra costs that may be incurred, she advised that this was a matter between caravan site owners and caravan owners, and the Council is not involved in caravan site fees.

- AGREED:** On the proposal of Councillor Ruane, seconded by Councillor Campbell, the following was agreed:
- The amendment of condition 2 of the Static Holiday and Touring Caravan Site License conditions for the five sites that have requested the amendment and should further amendments be requested that should be actioned accordingly.
 - That the Council's recycling officers focus resource to educate the caravan site owners and caravan owners on the importance of waste segregation and recycling.

ITEMS RESTRICTED IN ACCORDANCE WITH PART 1 OF SCHEDULE 6 OF THE LOCAL GOVERNMENT ACT (NI) 2014

- AGREED:** On the proposal of Councillor Harte, seconded by Councillor Jackson, it was agreed to exclude the public and press from the meeting during discussion on the following matters, which related to exempt information by virtue of para. 3 of Part 1 of Schedule 6 of the Local / Government (Northern Ireland) 2014 – Information relating to the financial or business affairs of any particular person (including the Council holding that information)

- AGREED:** On the proposal of Councillor Harte, seconded by Councillor Jackson, it was agreed the Committee come out of closed session.

The Chairperson advised the following had been agreed whilst in closed session:

SE/137/2024: BUSINESS CASE FOR THE REMOVAL OF NEWCASTLE SAND BAR

Read: Report dated 20 November 2024 from Mr C Sage, Assistant Director: Sustainability, regarding a business case for the removal of sand bar at Newcastle Harbour. **(Copy circulated)**

- AGREED:** On the proposal of Councillor Larkin, seconded by Councillor Campbell it was agreed to note the contents of the report and associated business case and to approve the preferred option of the business case, to progress a tender for the sand bar removal at Newcastle Harbour for a 3-year period from 2025 – 2027 in accordance with the Marine Construction License.

SE/138/2024: REPAIR OF CORRY'S CORNER, DRUMANESS BUS SHELTER AND ADOPTION BY TRANSLINK

Read: Report dated 20 November 2024 from Mr C Sage, Assistant Director: Sustainability, regarding the repair of the bus shelter at Corry's Corner, Drumaness and then Adoption of the bus shelter by Translink. **(Copy circulated)**

AGREED: On the proposal of Councillor Andrews, seconded by Councillor Young it was agreed to adopt the bus shelter at Corry's Corner, and to consider future proposals from Translink regarding the adoption of bus shelters.

SE/139/2024: BUSINESS CASE FOR DEEP CLEANING SERVICES

Read: Report dated 20 November 2024 from Mrs S Trainor, Assistant Director: Environment, regarding a business case to procure a contract for the deep cleaning of paved surfaces in public realm areas. **(Copy circulated)**

AGREED: On the proposal of Councillor Ruane, seconded by Councillor Campbell it was agreed to commence the procurement of contract for the provision of deep cleaning of public realm and other areas within the district for a period of up to three years.

SE/140/2024: DIRECT AWARD CONTRACT APPROVALS AND EXTENSIONS

Read: Report dated 20 November 2024 from Mrs S Trainor, Assistant Director: Environment, regarding approval for four Direct Award Contracts that exceed the Directors delegated limit, in line with the Councils Procurement Policy. **(Copy circulated)**

AGREED: On the proposal of Councillor Larkin seconded by Councillor Ruane it was agreed to approve the four Direct Award Contracts as detailed in the officer's report.

Councillors Andrews and Taylor left the meeting at this stage - 18.53pm

SE/141/2024: PEACEPLUS FUNDING CALL FOR CLEAN AIR

Read: Report dated 20 November 2024 from Mrs S Trainor, Assistant Director: Environment, regarding approval for the development of a proposal to submit a multi-agency application for PEACEPLUS funding under Theme 6, Investment Area **(Copy circulated)**

AGREED: On the proposal of Councillor Young seconded by Councillor Larkin it was agreed to approve the development of a proposal to submit a multi-agency application for PeacePlus funding under Theme 6, Investment Area from Council as outlined in the officer's report.

Councillors Andrews and Taylor re-entered the meeting at this stage - 18.55pm

FOR NOTING - ITEMS RESTRICTED IN ACCORDANCE WITH PART 1 OF SCHEDULE 6 OF THE LOCAL GOVERNMENT ACT (NI) 2014

SE/142/2024: **ARC21 JOINT COMMITTEE MEMBERS' MONTHLY BULLETIN FROM 31st OCTOBER 2024 and ARC21 JOINT COMMITTEE MEETING IN COMMITTEE MINUTES OF 26th SEPTEMBER 2024**

Read: Arc21 Joint Committee "in committee" minutes of meeting held 26th September 2024 and to note the Arc21 Joint Committee Members' bulletin from 31st October 2024. **(Copy circulated)**

AGREED: **On the proposal of Councillor Young, seconded by Councillor Jackson it was agreed to note the documents.**

FOR NOTING

SE/143/2024: **ARC21 JOINT COMMITTEE MEETING MINUTES OF 26 SEPTEMBER 2024**

Read: Arc21 Joint Committee Meeting Committee Minutes of 26 September 2024. **(Copy circulated)**

AGREED: **It was agreed on the proposal of Councillor Taylor, seconded by Councillor Ruane, to note the minutes of the Arc21 Joint Committee meeting of 26 September 2024.**

SE/144/2024: **NI LOCAL AUTHORITY COLLECTED MUNICIPAL WASTE MANAGEMENT STATISTICS - QUARTERLY PROVISION ESTIMATES FOR APRIL TO JUNE 2024**

Read: NI Local Authority Collected Municipal Waste Management Statistics - quarterly provision estimates for April to June 2024. **(Copy circulated)**

AGREED: **It was agreed on the proposal of Councillor Taylor, seconded by Councillor Ruane, to note the content of the document.**

SE/145/2024: **CHRISTMAS AND NEW YEAR ARRANGEMENTS - REFUSE COLLECTIONS AND HRC ARRANGEMENTS**

Read: Report dated 20 November 2024 from Mrs S Trainor, Assistant Director: Environment, regarding refuse collections over the festive period along with the opening and closing dates of all HRC sites. **(Copy circulated)**

AGREED: **It was agreed on the proposal of Councillor Taylor, seconded by Councillor Ruane, to note the content of the report.**

SE/146/2024: 2024 CHRISTMAS ILLUMINATIONS UPDATE

Read: Report dated 20 November 2024 from Mr C Sage, Assistant Director:
Sustainability, regarding Christmas Illuminations provided by the Council
during the 2024 festive period **(Copy circulated)**

Following a query regarding the possibility of adding additional illuminations in Annalong this year, Mr. Sage responded that the Council would not have the capacity to add illuminations this year but would bring the matter to the S&E working group for review in the new year. He noted that any future considerations would need to account for costs, including maintenance and electricity, which were increasing over time.

**AGREED: It was agreed on the proposal of Councillor Taylor, seconded
by Councillor Ruane, to note the content of the report**

There being no further business the meeting ended at 7.00pm.

For adoption at the Council Meeting to be held on Monday 2nd December 2024.

**Signed: Councillor Geraldine Kearns
Chairperson**

**Signed: Mrs Sinead Murphy
Director of Sustainability & Environment**