

Title of Report:	Correspondence
Committee Report Submitted To:	Council Meeting
Date of Meeting:	7 March 2023
For Decision or For Information	FOR DECISION

Linkage to Council Strategy (2021-25)	
Strategic Theme	Cohesive Leadership
Outcome	Council operates as one effective and efficient corporate unit with a common purpose and culture
Lead Officer	Director of Corporate Services

Budgetary Considerations	
Cost of Proposal	N/A
Included in Current Year Estimates	N/A
Capital/Revenue	N/A
Code	N/A
Staffing Costs	N/A

Screening Requirements	Required for new or revised Policies, Plans, Strategies or Service Delivery Proposals.		
Section 75 Screening	Screening Completed:	Yes/No	Date:
	EQIA Required and Completed:	Yes/No	Date:
Rural Needs Assessment (RNA)	Screening Completed	Yes/No	Date:
	RNA Required and Completed:	Yes/No	Date:
Data Protection Impact Assessment (DPIA)	Screening Completed:	Yes/No	Date:
	DPIA Required and Completed:	Yes/No	Date:

1.0 Purpose of Report

The purpose of the report is to present correspondence for Members' consideration.

2.0 The following correspondence has been received:

2.1 NI Housing Council correspondence, dated 9 February 2023 (copy attached)

Please find attached the Housing Council's January bulletin, and a copy of the December Housing Council minutes.

2.2 Permanent Secretary and HSC Chief Executive, Peter May, Department of Health, dated 27 February 2023 (copy attached)

Update in relation to the Abortion Services (Safe Access Zones) Act (Northern Ireland) 2023. On 7 December 2022, the Supreme Court ruled that legislation, as passed by the NI Assembly in March 2022, is compatible with human rights legislation. The Bill received Royal Assent on 6 February 2023, making it an Act of the NI Assembly. The Act protects the right for persons to access abortion and associated sexual and reproductive health services, as well as the people who work in them, by providing the basis through which operators can identify premises as 'protected premises' and have a Safe Access Zone applied. Once a Safe Access Zone has been established, the Act prohibits anti-abortion protests and other specified behaviour within that protected area.

2.3 Suzanne Kingon (Dr), Investment and Infrastructure Director, Department of Education, dated 23 February 2023 (copy attached)

Re Ballycastle Shared Education Campus – Council Involvement

Summary

Correspondence has been received from The Department of Education regarding the Ballycastle Shared Education Campus and Council's commitment.

3.0 It is recommended that Council consider the correspondence.



**Minutes of the 497th Meeting
of the Northern Ireland Housing Council held on
Thursday 12th January 2023 at 10 am via Zoom**

Present

Cllr Anne-Marie Fitzgerald	Fermanagh & Omagh District (Chair)
Cllr Mark Cooper	Antrim & Newtownabbey Borough (Vice Chair)
Cllr Victoria Moore	Ards & North Down Borough
Ald Jim Speers	Armagh City, Banbridge & Craigavon Borough
Ald Adrian McQuillan	Causeway Coast & Glens Borough
Ald Allan Bresland	Derry & Strabane Borough
Ald Amanda Grehan	Lisburn & Castlereagh City
Cllr Catherine Elattar	Mid Ulster Borough
Ald Tommy Nicholl	Mid & East Antrim Borough
Cllr Michael Ruane	Newry, Mourne & Down District

In Attendance:

Paul Price	Director of Social Housing Policy & Oversight, Department for Communities
David Polley	Director, Housing Supply Policy, Department for Communities
Grainia Long	Chief Executive, NIHE
Valerie Crozier	NI Water Service
Davy McGrath	NI Water Service
Fiona Neilan	Project Manager, NIHE
Kelly Cameron	Secretary (NIHE Secretariat)

Apologies:

Cllr Micky Murray	Belfast City Council
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1.	<p><u>Welcome</u></p> <p>The Chair welcomed Paul Price and David Polley from the Department for Communities and from the Housing Executive, Grainia Long</p> <p>She also welcomed the Presenters, Valerie Crozier and Davy McGrath both from the Water Service and Fiona Neilan from the Housing Executive.</p> <p>The Chair also welcomed the new representatives for Ards & North Down, Councillor Victoria Moore to her first meeting of the Housing Council.</p> <p>Alderman Nicholl thanked Members for their sincere wishes during his recent illness.</p>	Secretary
2.	<p><u>Declarations of Interest</u></p> <p>No declarations were received.</p>	

3.	<p><u>To adopt the Minutes of the 496th Housing Council Meeting held on Thursday, 8th December 2022</u></p> <p>It was proposed by Cllr Mark Cooper seconded by Cllr A McQuillan and resolved, that the Minutes of the 496th Meeting of the Housing Council held on Thursday 8th December 2022 be approved and signed by the Chair.</p>	
4.	<p><u>Matters Arising from the Minutes</u></p> <p>Matters arising were dealt with through the Meeting.</p>	
5.	<p><u>Forward Workplan</u></p> <p>The forward workplan was noted.</p>	
6.	<p><u>Report from Grainia Long, Chief Executive, Housing Executive</u></p> <p>The Report provided the Housing Council with a monthly update summarising a range of strategic, major or routine matters, including any emerging issues. A summary of the current / emerging issues are outlined as follows:-</p> <p>6.1 Industrial Relations</p> <p>Councillor Cooper requested further details the percentage figures in monetary terms for the lower grade workers. It was agreed that a presentation on the Housing Executive's Pay Grading and Review would be arranged for a future Meeting.</p> <p>6.2 Review of Damp & Mould following Awaab Ishak inquest</p> <p>Councillor Cooper referred to 5 cases presented to him within the last couple of months in the Monkstown area with severe damp issues, his main concern was the timeframe of 2/3 months for an Independent Damp Surveyor's report to be issued.</p> <p>Several Members expressed concern in relation to private landlords and their properties not always up to the required standard. The Chair added that some properties also being used as 'emergency accommodation' are not up to standard and asked if there was an opportunity to terminate these leases.</p> <p>Mr Polley confirmed that the Housing Executive are not responsible for private rented tenancies and he undertook to provide Members with related links from NI direct on the rules and regulations for the private rented sector.</p> <p>Ms Long urged Members that if there are any specific properties that Members feel are of inadequate standard properties should be brought to the Housing Executive's attention.</p> <p>Members recognise that the Housing Executive properties are ageing and investment into the stock is required, in particular referred to single window glazed properties and air circulation management can often be an issue causing condensation.</p>	<p>KC</p> <p>D Polley</p> <p>All</p>

	<p>constraints NI Water Service are facing and how the NI Water are addressing capacity issues and financial constraints, the way forward and the new process which are being put in place to tackle the issues.</p> <p>The clear message to Members that prior to any development in their area, the water service is the first point of contact to ensure the proposed infrastructure has the capabilities for the area.</p> <p>It was confirmed that some Housing Association properties have Rainwater Harvesting projects, for the collection and storage rain.</p> <p>Alderman Speers referred to mixed Storm & Sewer systems in the Markethill area and asked how they are going to deal with these systems. He referred to an environmental scheme being developed in Richill and he was disappointed that NI Water weren't willing to attend meetings to create an infrastructure for future residents to avail of and felt it was a failure of NI Water not tackle the storm and foul which is creating a huge issue in developments. He felt that an investment is being carried out in an area, a detailed programme should be in place to ensure a sewage capacity.</p> <p>Mr McGrath agreed that there is an issue with the amalgamated storm and sewage system Pre 1970's. Mr McGrath undertook to contact Alderman Speers directly in relation to specific queries in his area.</p> <p>Ms Crozier confirmed that NI Water works closely with local Councils and attend meetings annually in relation to their Council Development Plans.</p> <p>The Chair thanked Ms Crozier and Mr McGrath for a very informative Presentation.</p>	D McGrath /J Speers
8.	<p><u>Presentation on the Housing Executive's Fundamental Review of Allocations</u></p> <p>Due to time constraints, it was agreed that this presentation would be postponed until the February Meeting.</p>	Secretary
9.	<p>The following three papers had been requested at the last Meeting, were circulated for Members information.</p> <p>9.1 <u>Homeless Statistics by Local Council Area</u></p> <p>9.2 <u>SHDP Schemes expected to start in 2023</u></p> <p>9.3 <u>Affordable Warmth Scheme Statistics</u></p> <p>The above papers were noted.</p>	
10.	<p><u>Housing Starts – December 2022</u></p> <p>The Report was noted.</p>	

11.	<p><u>Any Other Business</u></p> <p>11.1 <u>Housing Council Membership 2023</u></p> <p>Paper was noted.</p> <p>11.2 <u>Housing Council Meetings during 2023</u></p> <p>Paper was noted.</p> <p>11.3 <u>Central Housing Forum Annual Community Conference titled ‘the Cost of Living’</u></p> <p>It was proposed by Cllr Mark Cooper and seconded by Cllr Anne-Marie Fitzgerald to sponsoring and supporting the Conference on 23rd February 2023 in Girdwood Community Hub.</p> <p>The Secretary undertook to confirm the terms of sponsoring this event.</p>	Secretary
12.	<p><u>Date of next Meeting</u></p> <p>The next Housing Council Meeting is scheduled to take place on Thursday, 9th February 2023 at 10 am in the Housing Centre or via Zoom,</p>	

The Meeting concluded at 12.30 pm

Appendix A

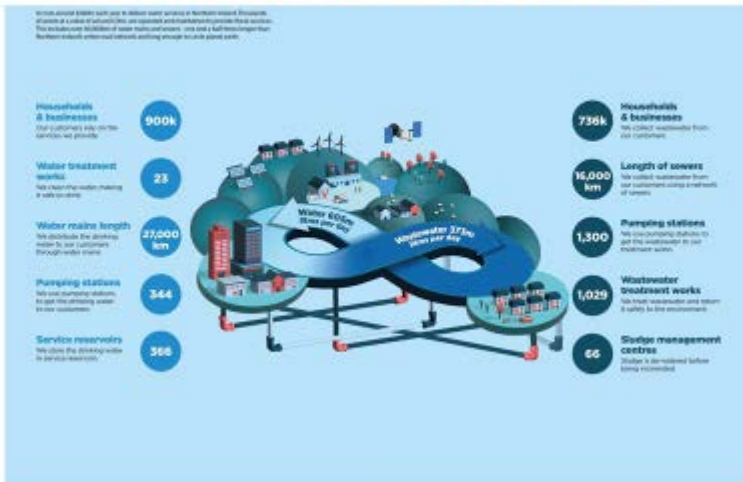


Northern Ireland Housing Council
12th January 2023

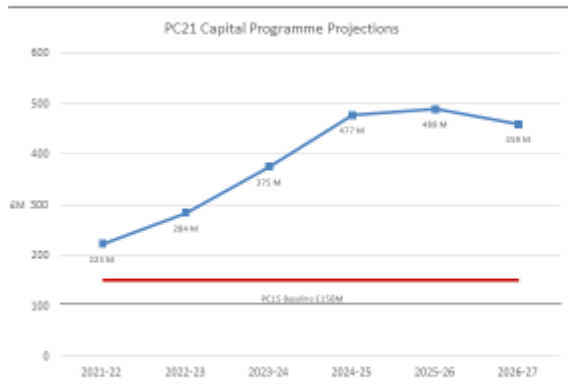
Valerie Crozier – Stakeholder Manager - Asset Delivery Directorate
David McGrath – Head of Developer Services - Customer & Operations Directorate



NI Water: Vital Infrastructure



Capital Expenditure Overview: PC15 vs PC21



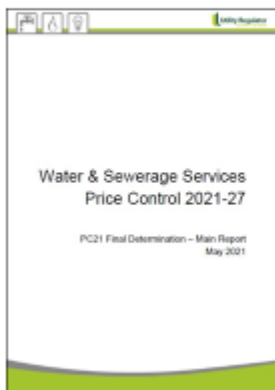
Our PC21 Capital Plan requires approx. £2.2bn of critical capital investment over the 6 year period.

The £2.2bn capital investment is divided between the following service areas:

- **Sewerage Provision = ca £1,100M**
- Planned/Reactive Maintenance = ca£450M
- Water Provision = ca£170M
- Capital Programme Running Cost = ca £330M
- Planning for the future & M&G = ca£200M



PC21 Final Determination



- PC21 FD published on 13th May 2021
- Company Acceptance 6th July 2021
- **Focus moving immediately to funding the FD**

Final Determination Highlights

- NI Water Efficiency Journey Recognised
 - Challenged to reduce annual operating costs by £15.4M
 - **Overall Opex £1.3bn**
- Enhanced Capital Investment Need Recognised
 - Delivering £117M of capital efficiency
 - **Overall Capex £2.2bn**



Key Challenges for NI Water



Energy Market Volatility



Development / Capacity Constraints



Continued funding through PC21



Climate Change Emergency

Why do we have Capacity Constraints?

- Legacy of chronic underinvestment in our wastewater infrastructure
- Insufficient biological / hydraulic capacity at our treatment works i.e. WwTW operate at or over their design PE (population equivalent)
- Significant Wastewater network capacity issues due to Unsatisfactory Intermittent Discharges UIDs, DG5s (internal flooding and external flooding)
- Some Water capacity issues also exist, with more developing.
 - generally less significant for planning than Wastewater capacity issues

Consequences of New Connections to Overloaded Sewers



Unsatisfactory Intermittent Discharges (UIDs)



Out of Sewer Flooding



Internal Property Flooding

Physical Evidence of Pollution from Sewers: Aquatic Environments



Development Constraints – Current Situation



- Estimated – over **100** economically constrained areas in NI impacting local development
- We plan to address **49** of these in PC21 (subject to funding and statutory approvals)
- A further **30** constrained areas may arise during PC21 (2021 – 2027)
- **> 80%** of properties in NI affected by wastewater capacity constraints

How is NI Water addressing Capacity issues and their associated Economic Constraints?

Two level approach:

Strategic level

- Identified that sustained investment is needed for 12-18 years to address the historic under investment in our wastewater systems
e.g. Living With Water Programme
- We received a £2.2 billion Final Determination on our PC21 business plan
(First 2 years of the PC21 capital programme funded - need multi-year, ring fenced funding; Need for security of energy funding for PC21)
- NI Water advocates the strategic phasing of land as part of the Local Development Planning process and that it is cognisant of infrastructure investment and lead times

Tactical level

- We have designed and constructed, Developer led and financed solutions, on a bespoke site by site basis. These options are being continually refined.

What is NI Water doing to address the Economic Constraints Problem?

Two level approach:

- **Strategic level** - capital investment as previously noted
- **Tactical level** - we have designed and implemented, Developer led and financed solutions, on a bespoke site by site basis. These options are being further refined.

A Development Constraints Project Team has been put in place which provides:

- Additional resource (internal + external)
- New processes and procedures (Pre Planning)
- New responses to planning requests
- **Early two way dialog and engagement** continues between all stakeholders
- **Solutions Engineering Team is fundamental**

New Processes – Pre Planning

developer services
improving your development process

We are changing the way we work

There's nothing as exciting as a new development project. But it can be a complex process. Our new services are designed to help you manage the process from start to finish. We'll make sure you have all the information you need to make your development a success.

1. Pre-development Services

If you are a developer, we can help you with all the pre-development services you need, from planning applications, through to the design and construction of your development.

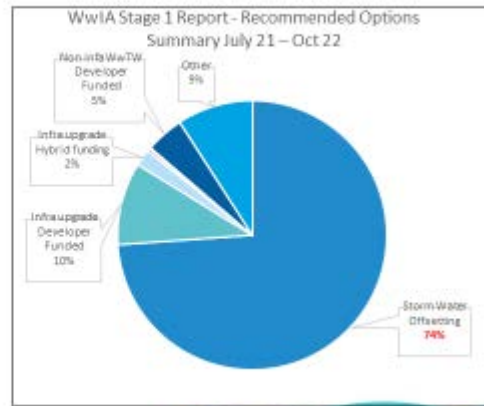
2. Impact Assessment

An impact assessment will allow you to assess the impact of your development on the environment. We'll help you to identify the impact of your development and to develop a plan to manage it.

3. Planning Application

If you are a developer, we can help you with all the services you need to get your development through the planning process. We'll help you to prepare your application and to submit it to the planning authority. We'll also help you to manage the process from start to finish.

southern inland water
improving your water



Solution Engineering Prioritisation Checklist

Solution	
1 Capital Works scheme to fix the issue within the catchment.	Risk that the Capital Works scheme, if planned, is delayed, cancelled or not aligned to Developer's programme. Proposal will be time dependent. Any planned Capital Scheme programme must align with developer programme.
2 Dev' fully/partial funded capital scheme to fix the issue within the catchment.	Any developer funded capital scheme will be cost dependant and subject to a financial feasibility assessment in comparison with size of planned development. Mechanism as to how Developer actually pays NIW for this being investigated – may need Legislative change.
3 Phased development	Risk that there is no solution to allow the phased development to proceed after the initial phase allowance. Risk that any planned solution to allow the other phases of the development to connect is delayed or cancelled.
4 Storm offsets – within the site	No detriment solution approach has been agreed with NIEA and is constantly reviewed. Risk that assumption of what was going into the combined system in the past from the site is incorrect. Risk that the site has been derelict for an extended period and the no detriment solution is therefore not viable. It is already a prerequisite of any new development to separate out storm flow. Zero detriment solution (no deterioration of a performance threshold) approach has been agreed with NIEA.
5 Storm offsets – outside the site	Large developments may pose a risk of too much storm being removed from the catchment causing odour or operational issues within the system.

Solution Engineering Prioritisation Checklist c'ont

Solution		
6	Accommodation Works within Catchment to divert flows	Investigate whether there is any solution to divert flows within the catchment to another area of catchment with capacity, to free space for the development.
7/8	New gravity sewer or pump away	New gravity sewer or pumping arrangement to point in the sub catchment or other parts of the catchment / different catchment where there is capacity. Details around how this is delivered and who pays need to be agreed.
9	Flow attenuation and release during low flow – smart networks	Likely that a model will be required to carry out the detailed assessment required to assess the viability of this solution. Risk that no model exists. Use of emerging technologies that needs to be fully understood and integrated into NIW systems
10	Dedicated waste water treatment works for the site/s sites provided by the developer/s.	Risk of NI Water having to adopt an increasing sprawl of minor WwTW across Northern Ireland or that they are not constructed to an adoptable standard and pollute the environment. One WwTW per site only and if there are multiple developer they should be encouraged to work collaboratively.
11	Development of a De-minimis approach	Risk that this facilitates uncontrolled development. On a catchment by catchment basis this could prove successful but will require oversight and control Need significant buy-in from other agencies and Councils

14

NI Water Planning Responses

- **Unconditional Approval:** NI Water is satisfied that the development proposal may be served.
- **Conditional Approval:** NI Water is satisfied that the development proposal may be served subject to identified Conditions e.g. Belfast WwTW no connection to the network prior to completion of Phase 0 July 2023
- **Refusal:** NIW has established detriment risk which may not be resolved by Condition
 - Developer advised to contact NI Water to establish if an alternative solution can be identified to serve the site, with the option that subject to a positive outcome the recommendation could be re-considered ([majority of recommended refusals fall into this category](#))
 - Where [zero detriment](#) is unachievable, for example where statutory nuisance is likely or non-compliance with a PPC permit, then a recommendation to refuse will be returned to the Planning Authority.

NI Water Planning Responses – April 2021 to December 2022

Total 6,671

Applications by Overall NIW Decisions



NIW Overall Recommendation2

Approved with Response Specific Conditions
Approved with Standard Planning Conditions
N/A
Refusal - Subject to discussions with NIW
Refusal

Development Constraints & The Way Forward

- Decades of historic under-investment in the wastewater network has resulted in Economic Constraints.
- Decades of sustained investment will be needed to remove the constraints and enable development and growth without further pollution to the environment (12 – 18+ years.)
- We are committed to maximising the infrastructure we have:
 - Early engagement via Pre-Development Enquiries is essential
 - Robust planning responses, with conditions are necessary
 - **Use of Developer led and financed solutions, noting budgetary implications.**
- NI Executive sets NI Water's level of investment.

How can others help with capacity challenges?

Future Planning

- Security of Funding
- Engage with NI Water on constraints and the zoning of new land for development and phasing of its release
- More foresight of proposed areas for development
- Closer liaison between all parties
 - new housing/schools etc.

New Standards

- Water/energy efficient homes
- Review housing design standards
 - Water efficiency mark
 - Water consumption targets
 - Water efficient showers/toilets
 - Rainwater harvesting
 - SuDs, including soft & small-scale SuDs



Summary

- Without sustained, adequate investment our society will have to choose between **environmental protection** and **economic development**
- Engagement with public and private developers on engineering solutions to address constraints over the short/medium term
- NI Executive must secure the funding necessary to deliver the investment in Water and Wastewater required for NI
- NI needs continued investment funding in critical infrastructure





CHAIR
Councillor Anne-Marie Fitzgerald

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FEBRUARY HOUSING COUNCIL BULLETIN

The Northern Ireland Housing Council met on Thursday, 9th February 2023 at 10.00 am in the Boardroom, the Housing Centre of via Conference Call.

For Information, a report of the attendance is undernoted:-

Present

Anne-Marie Fitzgerald	Fermanagh & Omagh District (Chair)
Mark Cooper	Antrim & Newtownabbey Borough (Vice Chair)
Victoria Moore	Ards & North Down Borough
Jim Speers	Armagh City, Banbridge & Craigavon Borough
Micky Murray	Belfast City
Amanda Grehan	Lisburn & Castlereagh City
Allan Bresland	Derry City & Strabane District
Tommy Nicholl	Mid & East Antrim Borough
Michael Ruane	Newry & Mourne District

Apologies

Catherine Elattar	Mid Ulster Borough
Adrian McQuillan	Causeway Coast & Glens Borough

Discussions on the undernoted matters took place as follows:-

Report from Paul Price & David Polley from the Department for Communities on the Housing Top Issues.

A summary of the current / emerging issues are outlined **as follows**:-

- Social Newbuild starts
- Co-ownership
- Programme for Social Reform
- Fundamental Review of Social Housing Allocations Policy
- Housing Executive's House Sales Scheme
- Supporting People Delivery Strategy
- Homelessness Strategy
- Regulation of the Private Rented Sector
- Increasing Housing Supply
- Affordable Warmth Scheme
- Review the Caravans Act (NI) 2011
- ERDF Investment for Growth and Jobs Programme 2014 -2020
- Housing Executive historical debt and exclusion from having to pay Corporation Tax

- Programme for Government (PfG) Outcomes Framework
- Long term rent trajectory
- Affordability of social rents
- Housing Executive Rent
- Non ACM Cladding Remediation Scheme
- Climate Act DfC will lead on the 'Residential and Buildings Sector Plan'

Members also received a Presentation on the Fundamental Review of Allocations

Once the minutes of the meeting are ratified at the March Meeting, they can be accessed on the Housing Council website: www.nihousingcouncil.org

The next Housing Council Meeting is scheduled for Thursday, 9th March 2023 at 10.00 am via conference call.

Should you require any further information or have any questions regarding the content.

Contacts

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Belfast

BT2 8PB

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**From the Permanent Secretary
and HSC Chief Executive**



NI Council Chief Executives

Via E-Mail

Castle Buildings
Stormont Estate
Upper Newtownards Road
BELFAST,
BT4 3SQ

Tel: 02890520559

Fax: 02890520573

Email: [REDACTED]@health-ni.gov.uk

Our ref: SSUB-0108-2023

Date: 27 February 2023

Dear Chief Executive

Abortion Services (Safe Access Zones) Act (Northern Ireland) 2023

I am writing to give you an update in relation to the Abortion Services (Safe Access Zones) Act (Northern Ireland) 2023.

On 7 December 2022, the Supreme Court ruled that legislation, as passed by the NI Assembly in March 2022, is compatible with human rights legislation. The Bill received Royal Assent on 6 February 2023, making it an Act of the NI Assembly.

The Act protects the right for persons to access abortion and associated sexual and reproductive health services, as well as the people who work in them, by providing the basis through which operators can identify premises as 'protected premises' and have a Safe Access Zone applied. Once a Safe Access Zone has been established, the Act prohibits anti-abortion protests and other specified behaviour within that protected area.

The Act applies to premises that are a Health and Social Care (HSC) Hospital, a clinic provided by a HSC Trust or any other premises approved by the Department of Health, including premises where information, advice or counselling about abortion treatments are provided. Each HSC Trust in Northern Ireland provides a range of abortion and associated sexual and reproductive health services across various locations. Safe Access Zones have not been established at this stage, however it is envisaged that all HSC Trusts will seek to do so at relevant premises in the near future. The Department is currently working with Trusts to develop a common regional approach to implementing Safe Access Zones

across Northern Ireland, including how information about the Zones will be made available and accessible to the public.

The Safe Access Zone is established when the operator notifies the Department that they wish the premises to be protected, and comprises the building or land (i.e. hospital site) where the relevant services are provided, as well as the public area outside the protected premises within 100m from each entrance or exit. There is also provision within the Act for the protected area to be extended by up to 150m if required to afford safe access to 'protected persons'.

Operators wishing to establish Safe Access Zones will be required to take appropriate steps to bring the existence and extent of any Safe Access Zone to the attention of members of the public. HSC Trusts are currently considering how this will operate in practice, e.g. through adequate signage, potential road markings, boundary identification, published maps etc. It is possible that the operators of premises, including HSC Trusts, may need to engage with Councils and other authorities as appropriate to assist with this statutory requirement.

The Department is required to include the identified premises on a maintained list and to publish that list to bring it to the attention of members of the public. The Departmental publication will also include the extent of each Safe Access Zone.

Criminal offences and enforcement provisions within the Act, come into effect three months from the date of Royal Assent and the Department is engaging with the PSNI and Department of Justice in this regard.

For your reference, the Abortion Services (Safe Access Zones) Act (Northern Ireland) 2023, as well as the recent Supreme Court Judgement, can be located at:

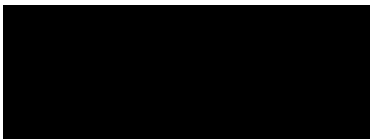
www.legislation.gov.uk/nia/2023/1/contents/enacted

www.supremecourt.uk/cases/uksc-2022-0077.html

Wider information on abortion services in Northern Ireland is available on the NI Direct website and on each of the HSC Trust websites.

I should be grateful if you would bring this letter to the attention of all relevant staff and colleagues.

Yours sincerely



Peter May

David Jackson
Chief Executive
Causeway Coast and Glens Borough Council
[REDACTED] [@causewaycoastandglens.gov.uk](mailto:[REDACTED]@causewaycoastandglens.gov.uk)

Rathgael House
43 Balloo Road
Rathgill
Bangor
BT19 7PR

23 February 2023

Dear David

BALLYCASTLE SHARED EDUCATION CAMPUS – COUNCIL INVOLVEMENT

As you know, the Department of Education has been working closely with Council officials over the last number of years on the Ballycastle Shared Education Campus. This was formalised in an indemnity agreement signed by both the Department and Council on 29 June 2018.

On 10 June 2022, Council's Director for Leisure and Development wrote to the Department reaffirming Council's commitment to the project, subject to Council revisiting its financial commitment following the issue of the tender report and Council's cost apportionment prior to the appointment of a contractor.

As you will be aware, the project is currently at procurement stage to appoint an Integrated Supply Team to take forward final design and construction of the campus. On the basis of Council investment of £3.6 million, enhanced sporting facilities are being provided within the campus beyond the usual provision for schools. This includes a larger sports hall, synthetic pitches and floodlighting to the pitches. These facilities will then be available to the Council outside school hours. Work on a Shared Facilities Agreement is finalised pending formal signature.

You will recall a previous procurement competition to appoint a contractor for the project collapsed in December 2021 when bidders were unable to stand over their tendered prices. Any delay in awarding the contract beyond the current tender validity period of 4 April 2023, would likely result in the current procurement also collapsing.

The Department's funding for this project is being provided through the Fresh Start Agreement, which provides timebound UK Government funding,

specifically ring-fenced for shared and integrated education. Collapse of the current procurement competition would result in catastrophic delays and cost increases and almost certainly lead to the loss of funding and the overall project.

In regard to the commitment of Council funding for the project, Council officials have advised that Councillors in the Leisure and Development Committee took the decision on 21 February 2022 to recommend that Council *“Defer a decision and give a commitment to DE/EA that the Council will make an application to Peace Plus for the project”*.

Unfortunately, the option of making a future application for funding (which may or may not be successful) to support a project which is at tender stage and where contracts require imminent signature is neither viable nor realistic. If ratified at the Council meeting on 7 March 2023, this decision will leave the Department with no option but to proceed to award the contract without Council involvement.

You will appreciate that given the huge risks to the project arising from any further delays, the Department must proceed to award the Contract before the expiry of the current tender validity period. In order to meet this date, I require, therefore, an explicit decision from Council as to whether they intend to commit fully at this time to the capital and operational costs for the facilities as intended. I would, therefore, ask that you provide me with confirmation of Council’s decision no later than close of business on **8 March 2023**.

In the absence of an unambiguous commitment of Council’s intention to enter the contract as a joint contracting authority prior to the end of the current tender validity period, the Department will proceed to award the contract alone.

Regrettably, this also means that during the design phase of the contract a value engineering exercise will need to be carried out to reduce costs and inevitably the additional facilities, which were to be funded by Council beyond standard for schools, will be reduced in scale. The facilities will also not be available for widespread Council use as envisaged in the Shared Facilities Agreement, which the Department has worked closely with Council officers to develop. The opportunity for future income to Council from the facilities will also be lost.

Given the work undertaken by all parties to date and the potential benefits to the wider community, I am keen to provide every opportunity for the project to proceed with Council involvement as planned. There is a unique opportunity

for Council to provide enhanced sports facilities which will serve the citizens of Ballycastle and the wider area for many years to come, at only a relatively modest contribution of £3.6 million.

I would ask that my correspondence is laid in full before Councillors so that they appreciate fully that a decision to defer and apply for future Peace Plus funding effectively means a decision to end Council involvement in the project, given the pressing need to award contract imminently. I would also remind Council of its longstanding commitments to participation in this project and of the significant disappointment such as decision will inevitably mean for the wider Ballycastle community.

Your sincerely



SUZANNE KINGON (DR)
INVESTMENT AND INFRASTRUCTURE DIRECTOR

cc Richard Baker (CC&GBC)
Wendy McCullough (CC&GBC)
Seamus Gallagher (DE)
Chris Galbraith (DE)