

Brendan Hegarty Chief Executive



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

Your Ref:

Our Ref:

Date: 13 February 2015

Being dealt with by: Alison McCullagh

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Dr Kevin Pelan

Clerk, Committee for Social Development

Room 144, Parliament Buildings

BELFAST BT4 3XX

Dear Dr Pelan

Regeneration Bill

Fermanagh and Omagh District Council welcomes the opportunity to make a written submission to the Committee for Social Development in respect of the Regeneration Bill which the Committee is currently scrutinising.

The Council appreciates that the Committee's primary consideration relates to the detail of the wording of the various clauses of the Bill, and would comment as follows:

- With regard to Part 1, Powers in Relation to Social Need, to avoid ambiguity, the Council suggests that Para 1.2.(a) line 10, is expanded to include the social economy within the definition of other economic activity.
- In terms of Power to Carry out Works for the improvement of the environment, it is recommended that Para 3.2 line 12 is amended to: "...with the consent of the Department for Regional Development, **which shall not be unreasonably withheld**..." A similar amendment should be made in para 3.3, line 21 (sale or disposal of structures).
- Part 2 deals with Development Powers and Other Powers for Planning Purposes. In this section it is stated (page 4, line 7) that the Department may direct the Council to prepare a development scheme for the area. No reference is made to ensuring appropriate financial provision is allocated for such a scheme, and the Council would therefore propose that this reference is amended to "the Department may direct the Council **to assess the feasibility of preparing** a development scheme..."
- While the legislation states that in preparing a development scheme a Council must have due regard to its community plan, no such requirement is made of the Department, and it is recommended the Committee ensures such a requirement is included in the final legislation.
- There is considerable detail in relation to lands matters including the approaches to acquisitions and disposals. The Council would recommend that some consideration should be given to reducing the timescales associated with the vesting processes to enable schemes to progress in a timely fashion. It is acknowledged that cross Departmental work may be required to fully achieve this.

- Specific reference is made (pages 8 and 9) to the entitlement for electronic communications code network operators to recover expenses from the Council in specific circumstances. No comparable provision is made for Councils to claim costs from utility providers or equivalent, who refuse to align their work programmes with capital improvement schemes and which often result in loss or damage to the finished product. Committee members may be aware of the increasing occurrences of completed environmental improvement schemes being “disturbed” even during the defects liability period, by utility companies, and it would be particularly helpful if some legislative provision is made to reduce and ideally, prevent such incidents.

Fermanagh and Omagh District Council notes that while the financial effects of the legislation, that is the budget, are not detailed within the Bill they are referenced in the accompanying explanatory and financial memorandum.

The Council is unaware what, if any briefing, Members of the Committee have had in relation to the proposed financial model for the allocation of funds associated with the transfer of the regeneration function to local Councils.

The model is fundamentally flawed and is particularly disadvantaging to council areas west of the Bann, including Fermanagh and Omagh District Council. In addition, no effort has been made to redress the imbalance between those council areas which have benefited disproportionately from previous Department for Social Development funding, against those areas which have had lesser benefits. The Council would therefore strongly recommend that the Committee urges the Department to review its proposed allocation model in advance of the transfer of the regeneration function on 1 April 2016.

Should the Committee wish to receive specific representations from Fermanagh and Omagh District Council on this matter, Members would be willing to attend a future Committee meeting. In this regard, I would be grateful if you would use the Council’s Omagh address indicated below, in any future correspondence.

Yours sincerely

Alison McCullagh

Alison McCullagh
Director of Regeneration and Planning

