

Roisin McAllister

From: 2 Plan NI - Sheila Curtin <info@2planni.co.uk>
Sent: 24 September 2020 14:40
To: DevelopmentPlan@midulstercouncil.org
Subject: Draft Plan Strategy Representation -Mr. Stephen Lavery -Galbally.
Attachments: 2Plan NI -Stephen Lavery.Galbally..23.09.2020.pdf; Representation-Form-(extended-deadline).pdf; MUPOP-48.pdf

Follow Up Flag: Follow up
Flag Status: Completed

To whom it may concern,

Please find attached completed representation form, accompanying representation document and copies of the associated POP submissions in relation to Mr. Stephen Lavery -Galbally Settlement Limit.

I trust that this is in order, and would be obliged if you can confirm receipt of this email.

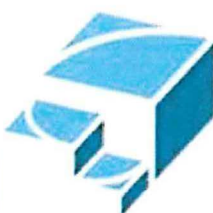
Kind Regards,
Sheila Curtin MRTPI

47 Lough Fea Road, Cookstown, Co Tyrone, BT80 9QL

t: [REDACTED] | m: [REDACTED]

e: info@2planni.co.uk


w: www.2planni.co.uk



RTPI

Chartered Town Planner

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Submission of a Representation to Mid Ulster District Council Local Development Plan 2030 - Draft Plan Strategy



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

**Local Development Plan
Representation Form
Draft Plan Strategy**

Ref:
Date Received:
(For official use only)

Name of the Development Plan Document (DPD) to which this representation relates

Draft Plan Strategy

Representations must be submitted by 5pm on 24th September 2020 to:

Mid Ulster District Council Planning Department
50 Ballyronan Road
Magherafelt
BT45 6EN

Or by email to developmentplan@midulstercouncil.org

Please complete separate form for each representation.

SECTION A

1. Personal Details

Title

First Name

Last Name

Job Title
(where relevant)

Organisation
(where relevant)

2. Agent Details (if applicable)

Address Line 1	<input type="text" value="c/o Agent"/>	<input type="text" value="2Plan NI
47 Lough Fea Road
Cookstown
Co. Tyrone"/>
Line 2		
Line 3		
Line 4		
Post Code	<input type="text"/>	<input type="text" value="BT80 9QL"/>
Telephone Number	<input type="text"/>	<input type="text" value="REDACTED"/>
E-mail Address	<u>info@2planni.co.uk</u>	

SECTION B

Your comments should be set out in full. This will help the independent examiner understand the issues you raise. You will only be able to submit further additional information to the Independent Examination if the Independent Examiner invites you to do so.

3. To which part of the DPD does your representation relate?

- (i) Paragraph
- (ii) Objective
- (iii) Growth Strategy/
Spatial Planning Framework
- (iv) Policy
- (v) Proposals Map
- (vi) Site Location

4(a). Do you consider the development plan document (DPD) is:

Sound Unsound

4(b). If you consider the DPD to be unsound, please identify which test(s) of soundness your representation relates, having regard to Development Plan Practice Note 6 (available on the Planning Portal Website at https://www.planningni.gov.uk/index/advice/practice-notes/development_plan_practice_note_06_soundness_version_2_may_2017_-2a.pdf.pdf).

Soundness Test No.

See attached statement

5. Please give details of why you consider the DPD to be unsound having regard to the test(s) you have identified above. Please be as precise as possible.

If you consider the DPD to be sound and wish to support the DPD, please set out your comments below:

See attached statement

(If not submitting online and additional space is required, please continue on a separate sheet)

6. If you consider the DPD to be unsound, please provide details of what change(s) you consider necessary to make the DPD sound.

Please note your representation should be submitted in full and cover succinctly all the information, evidence, and any supporting information necessary to support/justify your submission. There will not be a subsequent opportunity to make a further submission based on your original representation. After this stage, further submissions will only be at the request of the independent examiner, based on the matters and issues he/she identifies at independent examination.

See attached statement

(If not submitting online and additional space is required, please continue on a separate sheet)

7. If you are seeking a change to the DPD, please indicate if you would like your representation to be dealt with by:

Written Representation

Oral Hearing

Please note that the Department will expect the independent examiner to give the same careful consideration to written representations as to those representations dealt with by oral hearing.

Signature:

Date:

23/09/2020

Representation to the Mid Ulster District Council's
Local Development Plan 2030
Draft Plan Strategy

2Plan NI

September 2020

By Email

1

1. Introduction

2Plan NI wish to make the following submission on behalf of Mr. Stephen Lavery in response to the Draft Plan Strategy (DPS). The representation considers the policies proposed within the Draft Plan and details areas where further work is considered necessary. The representation also provides a response as to whether various aspects of the draft plan meet the necessary soundness tests.

To ensure that this representation is set within the appropriate planning context, we have reviewed all legislative, regulative and policy requirements/guidance associated with preparing local development plans in Northern Ireland and all supporting documents associated with the DPS and the preferred Options Paper, which are relevant to the topics/policies which we make comment on.

Land within the ownership of our client abuts the Development Limit of Galbally. In the event that a representation is made contesting the inclusion of said lands within the Development Limit of Galbally and/or the policies associated with it, we will make a counter representation.

Attached to this representation is a copy of the Preferred Options Paper (POP) representation previously submitted to the Council by Colm Donaghy Architect and Pat McBride Planning Consultant. The POP representation details the development status of the lands including physical appraisal of the site and surrounding context.

The representation is structured as follows:

- Section 2- Legislative and Procedural Context
- Section 3 -Policy Soundness and remedy measures.
- Conclusion

2. Legislative and Procedural Context

Sections 6 (1) and (2) of the Planning Act (Northern Ireland) 2011 (the 2011 Act) set out that in Northern Ireland, the local development plan (LDP) for each of the 11 local authorities comprises a plan strategy (PS) and a local policies plan (LPP).

The PS represents the first formal stage of the two stage LDP process and Section 8(1) of the 2011 Act requires all Councils in Northern Ireland to prepare a PS for their districts.

In preparing its DPS, Mid Ulster District Council (MUDC) is required to adhere to the provisions of the Planning Act (Northern Ireland) 2011 ('Act') and the Planning (Local Development Plan) Regulations (Northern Ireland) 2015 ('Regulations').

The keystone of the local development plan system is the principle of 'soundness'. Section 10(6) of the 2011 Act provides that the purpose of the Independent Examination (IE) is to determine, in respect of the development plan document:

- whether it satisfies the requirements of sections 7 and 8 or, as the case may be, sections 7 and 9, and any regulations under section 22 relating to the preparation of development plan documents; and
- whether it is sound.

Although not legislation, Development Plan Practice Note 6 sets out 3 main tests of soundness for Local Development Plans, with each test having a number of criteria, as follows:

Procedural Tests

- P1 Has the DPD been prepared in accordance with the council's timetable and the Statement of Community Involvement?*
- P2 Has the council prepared its Preferred Options Paper and taken into account any representations made?*
- P3 Has the DPD been subject to sustainability appraisal including Strategic Environmental Assessment?*
- P4 Did the council comply with the regulations on the form and content of its DPD and procedure for preparing the DPD?*

Consistency Tests

- C1 Did the council take account of the Regional Development Strategy?*
- C2 Did the council take account of its Community Plan?*
- C3 Did the council take account of policy and guidance issued by the Department?*

C4 *Has the plan had regard to other relevant plans, policies and strategies relating to the council's district or to any adjoining council's district?*

Coherence and Effectiveness Tests

CE1 *The DPD sets out a coherent strategy from which its policies and allocations logically flow and where cross boundary issues are relevant it is not in conflict with the DPDs of neighbouring councils;*

CE2 *The strategy, policies and allocations are realistic and appropriate having considered the relevant alternatives and are founded on a robust evidence base;*

CE3 *There are clear mechanisms for implementation and monitoring; and*

CE4 *It is reasonably flexible to enable it to deal with changing circumstances.*

3. Policy soundness and remedy measures

We generally support the plan objectives as outlined in para 3.15 of the Draft Plan Strategy:

- *To build Cookstown, Dungannon and Magherafelt as economic and transportation hubs and as the main service centres for shops, leisure activities, public administrative and community services including health and education. These are the most populated places and the town centres are the most accessible locations for people to travel to including those without a car.*
- *To protect and consolidate the role of local towns and villages so that they act as local centres for shops and community services meeting the daily needs of their rural hinterlands.*
- *To provide for vital and vibrant rural communities whilst protecting the countryside in which they live by accommodating sustainable growth within the countryside proportionate to the extent of existing rural communities.*
- *To provide for 11,000 new homes by 2030 in a range of housing capable of meeting the needs of families, the elderly and disabled, and single people, at locations accessible to community services, leisure and recreational facilities, for those people with and without a car.*
- *To recognise the needs of both growing families and carers of the elderly and disabled by accommodating development which allows people to remain within their own communities and does not lead to significant harm to neighbours or the built and natural environment.*
- *To facilitate the development of new community facilities at locations accessible to the communities they serve, through a variety of modes of transportation in accordance with the community plan.*
- *To accommodate cultural differences in our communities whilst promoting “shared spaces” to bring people together with equality of opportunity.*

5

We however feel that the associated policies contained within the Draft Plan Strategy fails the test for Soundness.

SPF 4 - Maintain and consolidate the role of the villages as local service centres providing opportunity for housing, employment and leisure activities in keeping with the scale and character of individual settlements;

Plan Para 4.25 -4.27 states:

4.25 Villages are also important service centres and thus are good locations for rural enterprise and small scale housing development. Again the villages are not seen as key service centres or locations in which to direct people used to living in the open countryside. Thus in the main growth in the villages will be proportionate to their current size and the level of services on offer.

4.26 In the main we do not intend to reserve land for housing or economic development although exceptions may exist where there is a need to expand or accommodate an identified rural enterprise within the settlement limits.

4.27 Proposals for a range of uses will be considered on their planning merits. In order to ensure that our villages are not subject to excessive development pressures settlements will normally be fairly restrictive recognising that it will not always be possible to accommodate employment, social or community uses directly within their settlement limits. We therefore intend to provide a degree of flexibility when considering proposals of this nature. The same would also apply to social housing where a need arises over the plan period.

6

We submit that SPF4 is unsound as it fails the following soundness test:

- Fails the Coherence and Effective Test - CE1
- Fails the Coherence and Effective Test – CE2

It is contended that the policies for villages as contained within SPF4 fails the Coherence and Effective Test (CE1) as the policy does not set out a coherent *strategy from which its policies and* allocations logically flow. The Plan's policy approach for future development within villages is considered to be vague and doesn't fully take into consideration the level of services or the level of demand for housing within a village.

Galbally has been identified as a village in the Draft Plan Strategy, we support this designation. Appendix 1 of the Draft Plan Strategy (Housing local Indicators and Economic Development Indicators over Plan Period 2015-2030) indicates that Galbally will only be allocated land for the construction of 16 units between 2015 and 2030. This approach to housing allocation is taken from the existing split of households throughout the District, which is referred to as the 'fair share' approach in the Preferred Options Paper. We contend that this figure is wholly inadequate and does not reflect the objective of the Draft Plan Strategy in recognising that villages are also important service centres and thus are good locations for rural enterprise and small-scale housing development (Para. 4.25 dPS).

The Draft Plan seems to penalise villages where there are well established community facilities and are attractive and popular residential locations. To restrict development within villages, would be unsound and inappropriate and are not are founded on a robust evidence base.

We acknowledge the considerable amount of work and the length of time it takes to get to this stage of the area plan, we question however the use of pre 2015 statistics to inform the plan. We note that Appendix 1 of the Draft Plan Strategy was based on NISRA household figures from September 2012, and the figure for committed units still to be developed and residual zoning figures are taken from April 2015 figures. We note also that the Mid Ulster Preferred Options Paper (November 2016) is based on Development Preparatory Papers published in 2015.

The use of outdated preparatory papers to inform the allocation of housing land significantly weakens the evidence base upon which they are used to inform. Policy SPF4 fails test CE2 as it is contended that the proposed policy is not appropriate given the outdated nature of the evidence base.

The position paper entitled 'Strategic Settlement Evaluation' published July 2015, concludes the following for the settlement of Galbally:

1.1 Galbally is currently designated as a village in the DSTAP 2010. 1.2 Following re – examination of the settlement, a summary of the key findings are;

- *Galbally has a population of 179 equating to 71 households.*
- *It is a rural settlement characterised by two development clusters. One cluster is located at and expands from a cross roads. The other is located along Lurgylea Road. A visual break has prevented coalescence of the clusters. Existing residential development comprises of housing estates, small housing groups and individual houses.*
- *The settlement provides services and facilities to meet the daily needs of the residents and the surrounding rural area. This includes a shop, pub, post office, Church, Primary School and Community Centre. The nearby settlements of Donaghmore and Dungannon town would provide weekly needs for residents.*
- *In terms of capacity to accommodate future growth there is a floodplain area alongside a watercourse to the northeast of the settlement which may constrain development potential in this direction. Otherwise there are no topographical constraints which would limit development around either cluster. Locations which may be desirable for development are identified on the settlement appraisal map. The GAA pitches located immediately outside the development limit may be considered for inclusion within.*
- *Information contained in the housing allocation paper would suggest that there is no need for additional housing stock in Galbally and accordingly the settlement limit is unlikely to be extended for the purpose of housing. Figures from the 2014 housing monitor show that there is potential for 35 residential units to be completed within the settlement limit.*

1.3 Taking account of the spatial framework guidance in the RDS 2035, and the population, size and service provision, it is recommended that Galbally is classified as a village in the new settlement hierarchy.

1.4 This classification deviates from the output of the Settlements and Dispersed Rural Communities Workshop, held in April 2015, whereby members and council officials in attendance suggested that Galbally may be more suitably designated as a Dispersed Rural Community rather than a village or small settlement.

1.5 The current area plan has designated two nodes of development at Galbally. It is recommended that Galbally remains as a village and that the existing nodes be extended to include a cluster of development which is centrally located between the two nodes. Consideration has been given to an alternative approach to designate both nodes and declare a Dispersed Rural Community however this is not the preferred option given that housing development has occurred in the western node and development in the main node tends to be clustered together.

The position paper entitled '*Strategic Settlement Evaluation*' as quoted above is now over 5 years out of date, and developments have occurred/been completed within Galbally since July 2015, decreasing the remaining land for development within Galbally. Since 2015 the development of Kildrum housing development has been completed. This development has taken place within the second cluster along Lurgylea Road which houses the GAA grounds. There is only one other remaining site within this second cluster of Galbally, whereas there are ample uncommitted sites available within the first cluster associated which expands from the crossroads. There has been no real commitment to development within the first cluster associated with the crossroads.

Our clients land, which is currently located outside but directly abuts the Development Limit would represent a natural rounding off of development at this location. It would also represent a natural extension to the development of Kildrum housing development, and would be located in close proximity to a focal point within the community, the GAA grounds. The site already contains development in the form of a pumping station on site. It is available for immediate development and is identified in the Galbally Settlement Appraisal Map as containing no constraints on Development.

Remedy

We recommend that the most up to date evidence is used to inform the Draft Plan Strategy. At a minimum, we request that the Council amend the Settlement Appraisal maps and Appendix 1 of the Draft Plan Strategy to reflect the most up to date situation on the ground.

We recommend also that all uncommitted lands within and immediately abutting the settlement limit are re-assessed and considered for inclusion within the settlement limit with regards to the provision of future housing land for the plan period. To provide an equitable and sound plan the allocation of land for housing should be fairly distributed between the two clusters of Galbally, and policies within the dPS should be robust and appropriate to reflect this type of settlement partition. Appendix 1 of *Draft Plan Strategy (Housing local Indicators and Economic Development Indicators over Plan Period 2015-2030)* should therefore identify Galbally as containing two clusters, with each cluster allocated its own equitable share the HGI figure.

Contrary to the Plans justification, overtly restricting the availability of housing development lands leads to land banking and increased land prices, which directly affects housing availability and housing affordability.

Conclusion

We trust that this representation is in order, and wish to acknowledge our intention to represent our clients with oral evidence at the Public Examination.

*Sheila Curtin, MRTPI PRINCIPAL 2PLAN NI
Chartered Planning & Engineering Consultancy*

Attached: MUPOP/48

W: www.2planni.co.uk E: info@2planni.co.uk 47 Lough Fea Road, Cookstown. BT80 9QL

T: [REDACTED]

M: [REDACTED]

MUPCP/48

Ruairi O'Kane

From: Colm Donaghy Chartered Architect <info@colmdonaghy.com>
Sent: 17 January 2017 12:40
To: DevelopmentPlan@midulstercouncil.org
Cc: Pat McBride; Stephen Lavery
Subject: FW: Lands adjoining Kildrum, Galbally Dungannon
Attachments: LETTER TO SINEAD MCEVOY RE GALBALLY.pdf; Map Lands adjoining Kildrum.pdf; FOI 834 Response.pdf; Pat McBride Letter Galbally 17 01 17.pdf

FAO Sinead McEvoy

Sinead

I refer to previous communications on this site and I enclose representations prepared by Pat McBride, Planning Consultant and I, in relation to the recently published preferred options paper for this site at Galbally Dungannon Co Tyrone.

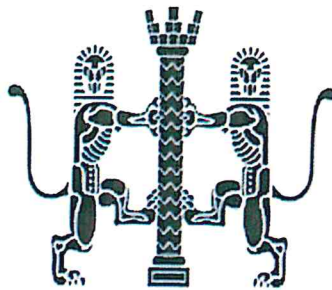
If you require any further information, please contact the undersigned.

Regards

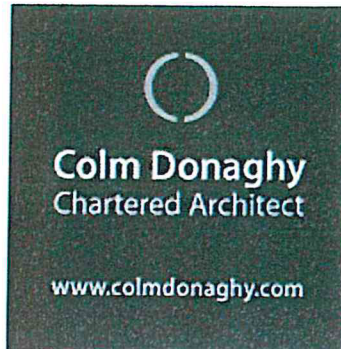
Colm



43 Dungannon Street Moy
County Tyrone BT71 7SH



0288 77 89409
info@colmdonaghy.com



05 10 16

Sinead McEvoy
Head of Development Plan
Planning Department
Mid Ulster Council
50 Ballyronan Road
Magherafelt BT45 6EN

Dear Sinead:

RE: Lands NW of Kildrum, Lurgylea Road, Galbally, Dungannon, Co Tyrone.

Please find attached 2 copies of a location plan for lands at Galbally, County Tyrone with the site boundary edged red.

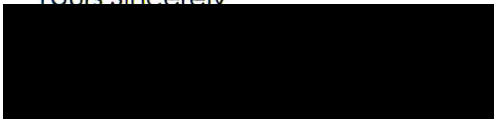
These lands adjoin the Kildrum housing development, which is almost complete. The lands are outside the development limit and my client, Mr Stephen Lavery requests that these lands are included in the forthcoming area plan for Dungannon as an extension to the Kildrum housing development lands.

I understand from previous discussions that it could be 2017 before any new zoning details are known for the Dungannon area through the plan review process.

I would ask that you keep me informed at key stages in the plan process and advise when documents are being published, in order that representations can be made.

If you require any further information, please contact the undersigned.

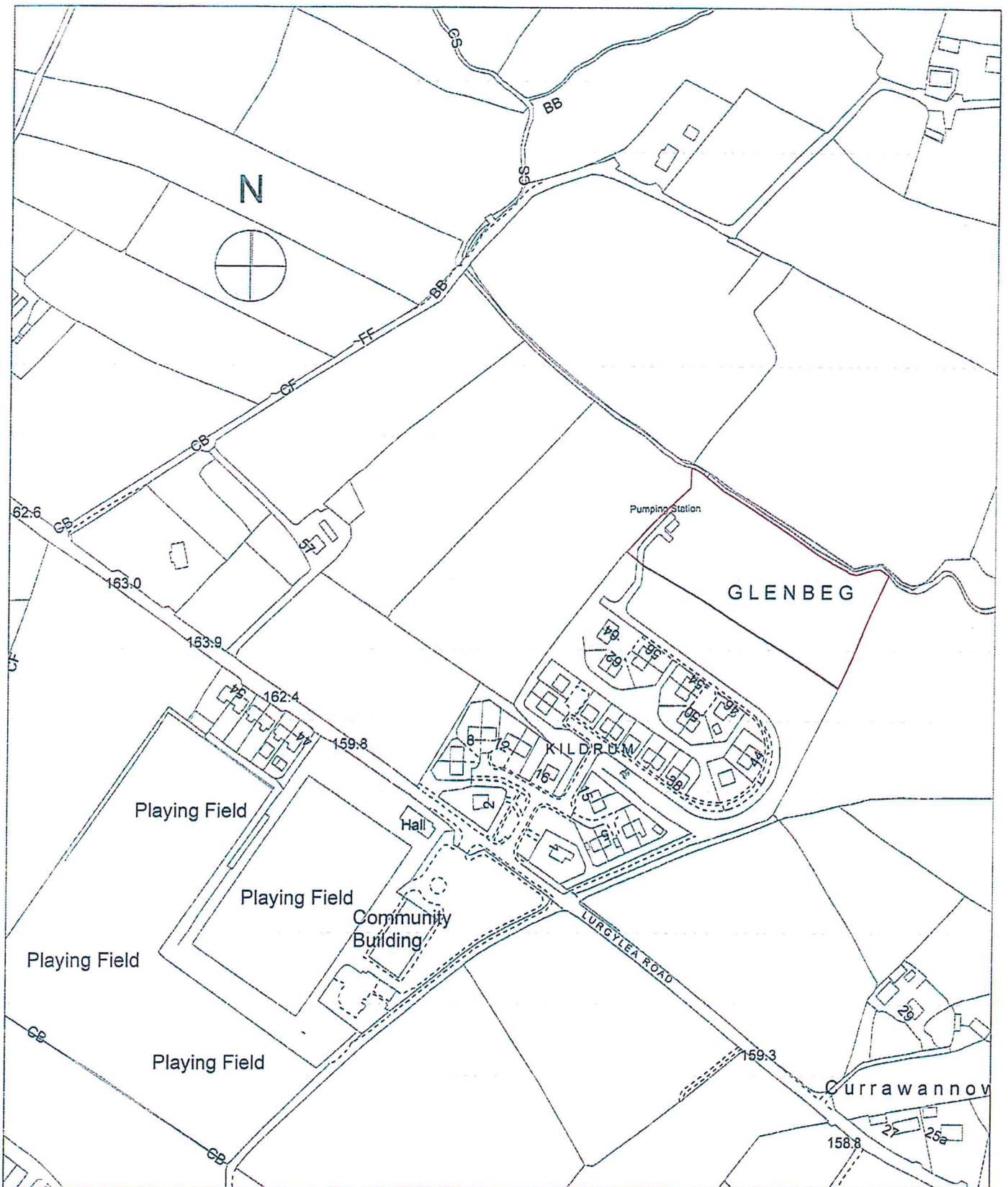
Yours Sincerely

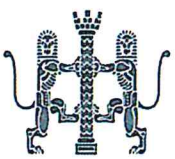



Colm Donaghy RIBA RIAI Chartered Architect

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Revision	Description	Date	
	Project Lands NW of Kildrum, Galbally, Dungannon	 Colm Donaghy Chartered Architect www.colmdonaghy.com	
	Title Location Plan		
	Scale 1/2500		Map Ref 15903NE
	Date 05 10 16		Drg Nr 595: PL01
	43 Dungannon Street Moy County Tyrone B171 7SH tel: 028 8778 9409 email: info@colmdonaghy.com		

REF: FOI/834

Date: 04/11/2016



Mr Colm Donaghy
Chartered Architect
43 Dungannon Street
Moy
County Tyrone
BT71 7SH

Contact: Sinead McEvoy – Head of
Development Plan

Dear Colm,

RE: Lands NW of Kildrum, Lurgylea, Galbally Dungannon, Co Tyrone.

I write with reference to the above subject and further to your letter received by the office on 10 October 2016. Please accept my apologies for the delay in providing you with a detailed response.

You may be aware from recent Public Notices within the local newspapers that Mid Ulster District Council will launch the Mid Ulster District Council Local Development Plan 2030 – Preferred Options Paper (POP) on Monday coming 7th November 2016.

A 12 week public consultation period will commence on Monday 7th November 2016 and run until 5pm on 27th January 2017. While you have already submitted this letter and related maps you will need to re-submit this information again formally within the consultation period to ensure that it is formally considered as part of the plan making process.

You have asked to be kept informed at key stages in the process and to ensure that this happens I have added your name to the list of contacts attached to our Statement of Community Involvement and over the course of next week you will therefore receive a letter advising you of the consultation on the POP.

Should you wish to discuss this further please do not hesitate to contact me.

Yours sincerely


Sinead McEvoy
Principal Planning Officer
Head of Development Plan and Enforcement

Planning Department
Mid Ulster District Council
Magherafelt Office
50 Ballyronan Road
Magherafelt
BT45 6EN

Email

[REDACTED]

Tel: 03000132132 ext [REDACTED]

*Pat McBride
BSc(CEng) DipTP
Planning Consultant*



Lands NW of Kildrum, Lurgylea Road, Galbally

1. Further to the recent publication of the Preferred Options Paper (POP) for the Mid Ulster Development Plan, this representation relates in particular to the Options for Housing Allocation for the settlements (pps 22-23).
2. It is noted that all 3 options for the settlements propose the same housing allocation of 33% (3514 units).
3. This allocation is then distributed across all 60 villages based on their % share of existing households (Appendix 2).
4. This approach tends to penalise those villages where that have well established community facilities and are attractive and popular residential locations.
5. The POP should reflect this in its housing allocations for particular villages such as Galbally. At present the POP advises that there is no need for additional housing.
6. In this respect such an approach would allow small additional areas of housing land to be identified and included within the village development limit. This approach would also take pressure of sensitive rural areas.
7. Such an area is identified on the enclosed drawing.

Pat McBride

17th January 2016