

**ANNEX B – Response Pro-forma**

**Name: CONOR COCHRANE**

**Address: 5 Oxford Street, Belfast, BT1 3LA**


**Original Representation Reference Number: MUDPS/51 (for administrative use only)**

**Please tick the applicable box below.**

- a) I confirm that I wish for my original representation to be considered as my representation.

- b) I confirm that I wish to amend or add to my original representation.

- c) I confirm that I wish for my original representation to be withdrawn and that I no longer wish to make a representation.

**Signature: ...** 

**Date: ...** 16/05/2020

If you require assistance when completing the above, please contact [developmentplan@midulstercouncil.org](mailto:developmentplan@midulstercouncil.org)

**Please ensure you return this completed Pro forma (along with any additional documents if you have ticked [b]) above) to Development Plan Team, Planning Department, Mid Ulster District Council, 50 Ballyronan Road, Magherafelt, BT45 6EN, by 5pm on 21st May 2020.**

5 Oxford Street, Belfast BT1 3LA  
t | 028 9043 4393  
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**CLYDE SHANKS**

Planning Development

Planning LDP Team  
Mid-Ulster Council Offices  
50 Ballyronan Road  
Magherafelt  
BT45 6EN

**BY E-MAIL**16<sup>th</sup> April 2019

Our Ref: Matter 23

E: [REDACTED]

Dear Sir/Madam,

**REPRESENTATION TO LOCAL DEVELOPMENT PLAN (LDP) – LANDS AT 28 TULLYWIGGAN ROAD, TULLYWIGGAN****MID ULSTER DISTRICT COUNCIL****MUPOP/219**

We write on behalf of our client Mr John Faulkner who owns land directly adjacent to 28 Tullywiggan Road, Cookstown in relation to the Council's recently published draft Plan Strategy. This letter relates to the strategic theme of housing, and provides commentary on our client's site located on the edge of the proposed SDL of Tullywiggan. We have also for completeness attached a copy of our client's representation to the Preferred Options Paper, which was given the reference number MUPOP/219 by the Council.

In support of this LDP representation we have also enclosed an Archaeology Assessment prepared by Gahan Long which provides an assessment to justify why the site should not be included within the proposed Area of Significant Archaeological Interest (ASAI).

**Growth Strategy and Spatial Planning Framework***Spatial Planning Framework*

We remain of the view that the framework elements SPF1 – SPF6 are in theory in accordance with the strategic direction of the RDS. However, the actual housing allocation figures articulated in Appendix 1 do not reflect a coherent strategy and in practice will not result in growth being focused within the three main towns nor will it result in a sustainable pattern of development in the countryside.

Rather, due to the equitable split of housing across the settlement hierarchy and countryside, and the very substantial over-subscribing of housing identified in large part due to existing committed developments, the proposed allocations will

encourage a dispersed pattern of settlement and place undue pressure on the countryside from a landscape, environmental and infrastructure perspective.

The disconnect between the strategy and the figures in Appendix 1 is most stark in relation to the HGI. The HGI for Mid Ulster is identified as 11,000 houses pro-rata over the plan period to 2030. However, when the actual capacity of settlements and equitable split of the HGI as identified in Appendix 1 is tallied with the 40% housing in the countryside it results in a total of 19,074 dwellings. This is over 170% of the HGI.

This creates fundamental tensions between the strategy and the proposed growth/allocation that are not grappled with in the draft Plan Strategy. This substantial over-allocation would not be sustainable as previously articulated as it provides such a generous spread of housing across the settlement hierarchy there is no mechanism to direct growth to the main towns.

Whilst SPF6 states that the countryside will not be subject to an allocation of the District's HGI, this is not the case in reality. Any dwelling constructed within the District boundaries during the Plan period counts towards housing growth, irrespective of how it is characterised. If 4,300 dwellings are built in the countryside during the plan period, this is 40% of the HGI allocation whether or not the Council chooses to call it such.

It is clear that there is a need for the Council to follow through on its strategy and make difficult decisions on where to reduce growth in order to genuinely seek to achieve sustainable patterns of development. In our view this must start with a significant reduction in housing allocated to the countryside, and that this must be delivered through the provision of more restrictive area-specific or district-wide rural housing policies.

### Site Specifics

The site extends approximately 2.15 Ha to the south east of Tullywiggan which is now defined as a small settlement within the Settlement Hierarchy of Mid Ulster (Mid Ulster dPS Settlement Hierarchy p37). The full extent of the site encroaches within an area designated as an ASAI as identified on Map 1.22 Area of Significant Archaeological Interest, Tullyhogue.

This representation endorses the Councils approach to have Tullywiggan defined as a small settlement and seeks to have lands to the south east included within the SDL and zoned for housing. While we acknowledge that the sites falls within an area designated as an ASAI the supporting Archaeological Assessment demonstrates why our client's lands should be excluded from this designation and proposes an alternative boundary.

We would also reiterate the points raised in the draft Plan Strategy particularly that the proposed ASAI is aimed at preventing 'inappropriate development' which would have a detrimental impact upon the wider setting of Tullahogue Fort including the approaches to it.

For the purposes of clarity inappropriate development would include;

- High structures such as wind turbines;
- Masts or pylons infrastructure;



- Large scale development (height and area);
- Development which interrupts views of the fort from along surrounding roads within the ASAI; and
- Quarrying and mining activities.

It is therefore considered that the proposed ASAI should not preclude future residential development in Tullywiggan but rather to ensure that care is taken to respect the setting of Tullahogue Fort and its wider area.

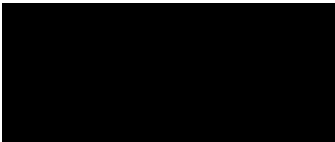
### Summary

We would respectfully request that our client's lands located to the south east of Tullywiggan are zoned for residential development and included within the SDL for Tullywiggan in the emerging Local Development Plan for the strategic and site specific reasons outlined above.

We believe there is a compelling case for the lands to be zoned to assist the Council in increasing the amount of housing delivered within the wider Cookstown area.

I trust the above is helpful to the Council in progressing the draft Plan Strategy and look forward to further input as appropriate as the Plan progresses.

Yours Sincerely,



Conor Cochrane  
Senior Planner

cc. Mr J Faulkner  
Encs. MUPOP/219





**Preferred Options Paper  
Representation Form**

Ref:
Date Received:
(For official use only)

*This form can be used to submit your representation to the Preferred Options Paper. Representations can also be made in writing or via email to the address detailed at the end of this form.*

**SECTION A**

1. Personal Details      2. Agent Details

Title	Mr. John Faulkner	Clyde Shanks
First Name	C/O Agent	Matthew
Last Name	-	Doak
Job Title (where relevant)	-	Planner
Organisation (where relevant)	-	Clyde Shanks
Address Line 1	-	5 Oxford Street
Line 2	-	Belfast
Line 3	-	-
Line 4	-	-
Postcode	-	BT1 3LA
Telephone Number	-	[REDACTED]
Email Address	-	[REDACTED]

**SECTION B**

**Your comments should be set out in full. This will help the Council understand the issues you raise to inform the preparation of the Local Development Plan.**

2. To which part of the POP does your representation relate?

- (i) Page Number (s) – 21 to 24
- (ii) Subject (s) – Housing Growth [Tullywiggan]
- (iii) Policy Ref (s) – see 'Option 1' on page 23
- (iv) Map Name (s) – N/A

## **A. Introduction**

Mr. John Faulkner owns/controls land directly adjacent to 28 Tullywiggan Road, Cookstown.

## **B. Purpose**

We note that PoP seeks to include Tullywiggan as a 'small settlement'. Therefore this representation seeks to zone this land for housing within the anticipated SDL, for the new plan period.

Please read this site specific representation along with Clyde Shanks strategic representation regarding the preferred housing growth option.

## **C. Settlement Matters**

The landowner acknowledges that this first stage of the LDP relates to 'strategic' issues but that MU Council has welcomed site specific representations now.

They further acknowledge that the Council have a stated preferred option for zoning housing land, option 1, which promotes a 'equitable split' between settlements to ensure that towns provide at least 27% of new housing while the rural area should not exceed a maximum of 40% of the dwellings. The conclusion of this preferred option is that no additional land is needed in the hubs given extant commitments/zonings exceed the suggested allocation deriving from the Housing Growth Indicators (2012) prepared by DfI.

## **D. Site Specific Matters**

Notwithstanding the strategic issue, the following sets out the high level merits of the land.

This opportunity presents itself to be an obvious 'rounding off' opportunity.

See attached environmental matrix setting out site context/characteristics – Annex 1. In terms of protective designations (built heritage and flood risk) see Annex 2 for exhibits.

Signature:  on behalf of Clyde Shanks Date: 25 January 2017

You are encouraged to provide your comments via email to the following email address:  
[DevelopmentPlan@midulstercouncil.org](mailto:DevelopmentPlan@midulstercouncil.org)

Or to the following postal address:

Dr Chris Boomer  
Mid Ulster Area Planning Manager  
Magherafelt Council Office  
50 Ballyronan Road  
Magherafelt  
Co L Derry  
BT45 6EN

**CLOSING DATE FOR REPRESENTATIONS NO LATER THAN 5.00pm ON FRIDAY 27<sup>TH</sup> JANUARY 2017**



**ANNEX 1 – SITE CONTEXT PLAN / ENVIRONMENTAL MATRIX**

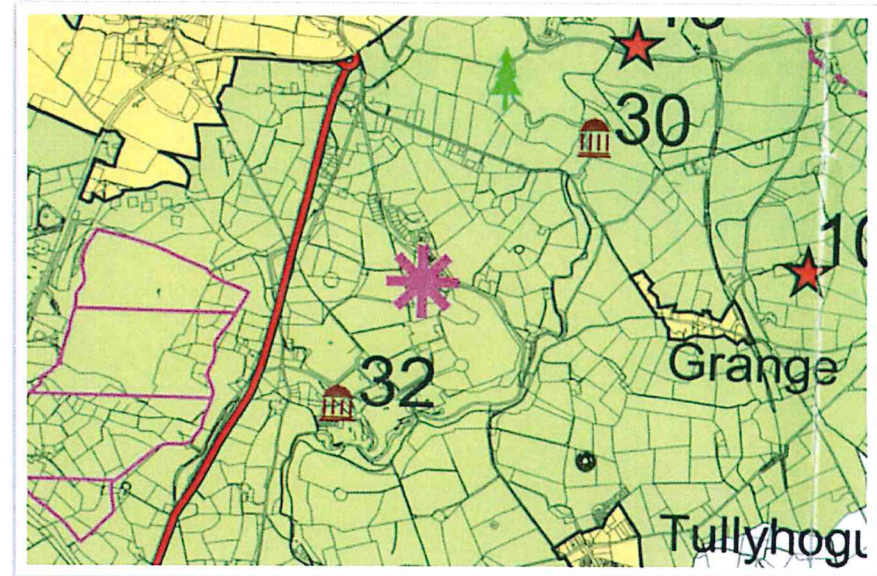
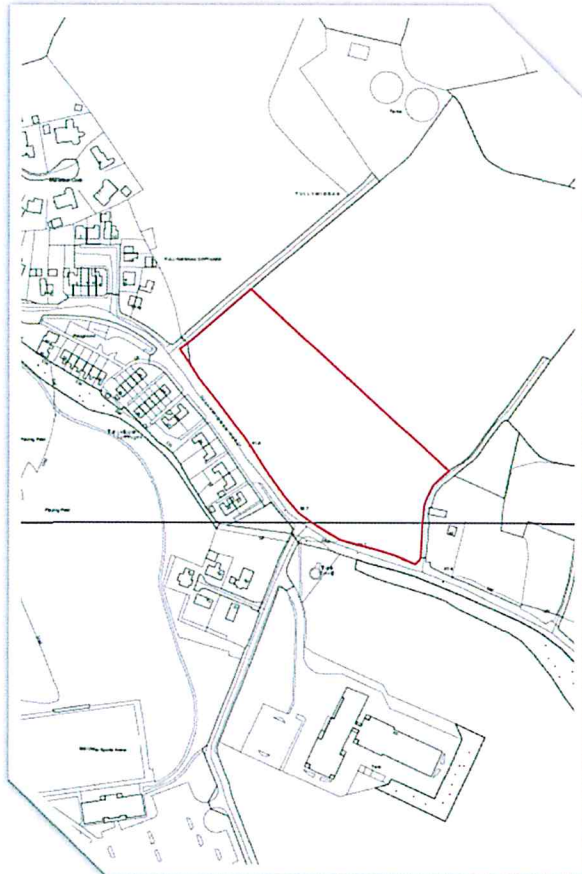
**DEVELOPMENT PLAN REPRESENTATION MAP**  
**LANDS AT TULLYWIGGAN ROAD, COOKSTOWN**

**henry marshall brown**  
 architectural partnership



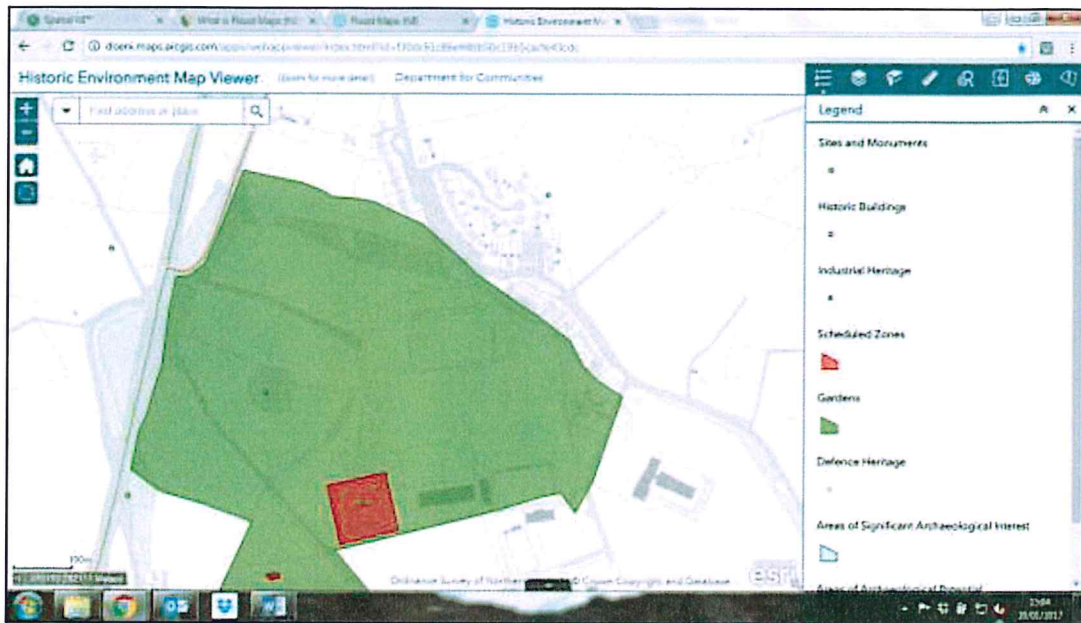
+44 (0) 28 8676 3515

Site Context / Environmental Matrix	
Proposal	Development Land Opposite Existing Housing
Site Area (Edged Red)	2.15 Hectares
Access	Access via Tullywiggan Road
Topography	Land is Relatively Flat
Boundaries	Hedgerow to SE & SW. Fence to NE & NW.
Potential Yield	43 Dwellings

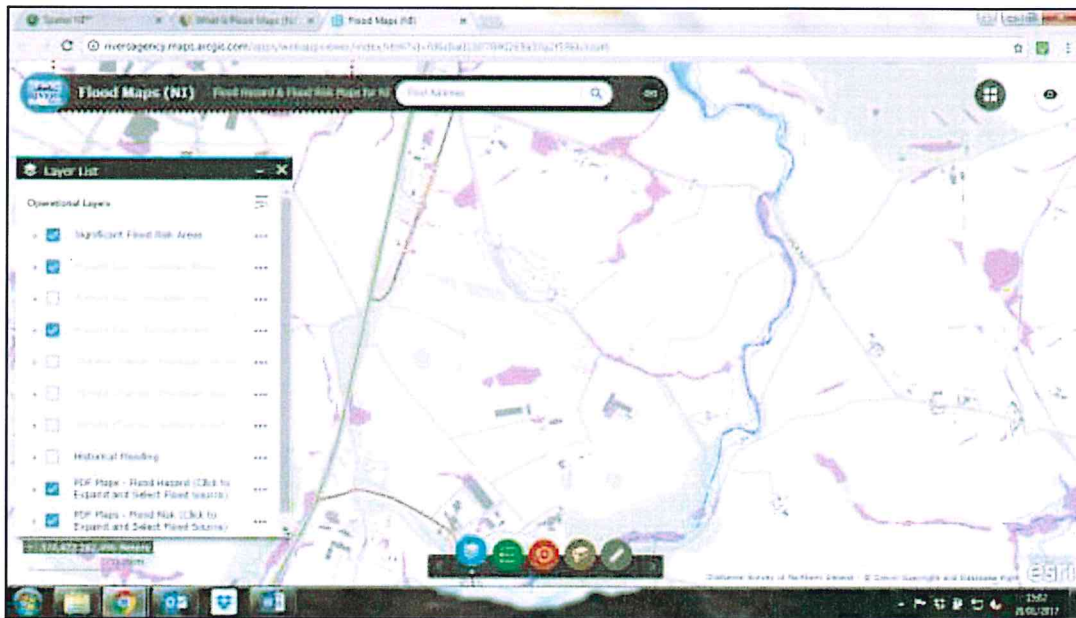




## ANNEX 2 – MAP VIEWER EXTRACTS (BUILT HERITAGE AND FLOOD RISK)

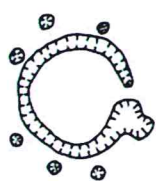


- No built heritage within site.



- Site is not affected by flooding, however patches of high level surface water exist.





**gahanandlong**<sup>ltd</sup>  
archaeological services

<b>Report</b>	ASAI assessment report
<b>Project</b>	Tullywiggan Road, Cookstown
<b>Planning Ref</b>	N/A
<b>Grid Ref</b>	281832, 375259
<b>Date</b>	05/04/2019

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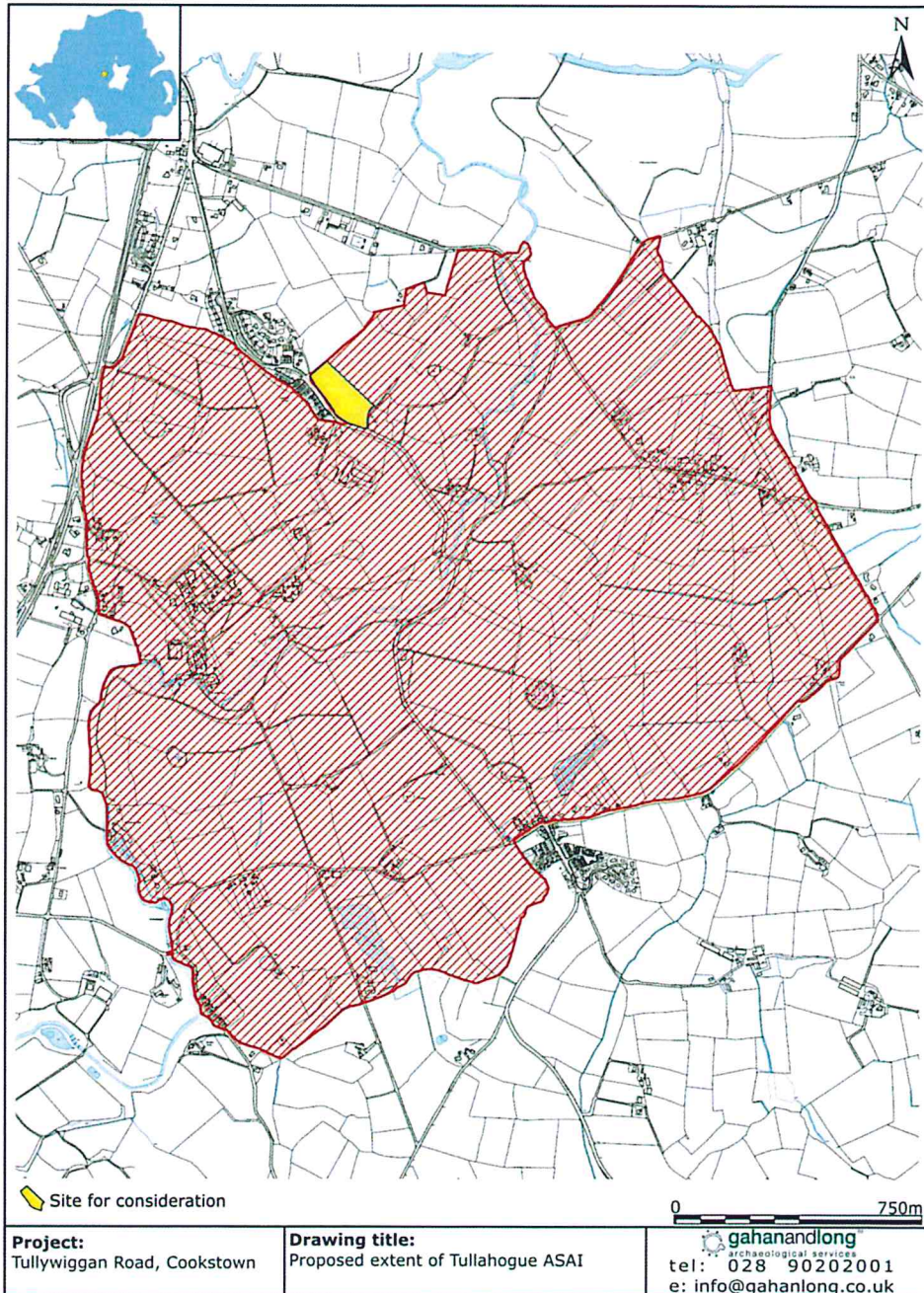
## Figures

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# 1 Introduction

The owner of land immediately adjacent to 28 Tullywiggan Road, Cookstown ('the Site') seeks to zone this land within the settlement development limit. The Site is located within the provisional boundary for the Area of Significant Archaeological Interest (ASAI) for Tullahogue Fort, a monument in State Care. The purpose of this report is to assess the inclusion of the Site within the ASAI.

**Figure 1: Proposed extent of Tullahogue ASAI.**





## 2 Tullahogue ASAI

The proposed ASAI has been designated around Tullahogue Fort to recognise its regional importance as the inauguration site of the O'Neill's, as well as a number of other regionally important sites within the wider area. The history of the landscape and its evolution can be traced from the Mesolithic period through to the present day. A key characteristic of the area is the views both from and towards the fort. The views from the roads and other approaches to the monument and its adjacent river crossing are of particular importance.

The ASAI has been proposed to prevent development which would adversely impact upon the distinctive heritage values and historic landscape of this area. The proposed designation identifies specific development types which would cause such an impact:

- High structures such as wind turbines,
- Masts or pylons infrastructure,
- Large scale development (height and area),
- Development which interrupts views of the fort from along surrounding roads within the ASAI
- Quarrying and mining activities.

For the most part, the boundary of the proposed ASAI utilises features within the current landscape which reflect the historic make up of the area. These include the historic demesnes at Loughrey, to the west, and Killymoon Castle to the north. The eastern, through south-eastern, boundary follows the road network as shown on the 1<sup>st</sup> edition OS map; the south-western boundary follow the course of the Killymoon River; and the southern follows the Townland boundary for Donaghrisk.

## 3 The Site

The Site consists of an area of agricultural land which at the time of the site visit was under improved pasture. It is located on the south-eastern edge of a small cluster of 20<sup>th</sup> century residential dwellings which straddle the Tullywiggan Road. The Mid Ulster Sports Centre is located to the southeast of this. The Site is bounded along its north-western side by a modern access lane leading to a recently constructed bio-digestion plant. Its northern - eastern sides are characterised by further agricultural lands and the southern boundary is formed by a farm lane shown on the 1<sup>st</sup> edition OS map and the Tullywiggan Road. Topographically, the Site is relatively flat, however beyond it the ground rises to the northeast and east, forming a local drumlin upon which the archaeological site TYR 38:17 is located (plate 1). This is a well preserved rath of local importance, which has good inter-visibility with a number of similar sites in the area including Tullahogue Fort.



Plate 1: looking southeast across the Site with TYR 38:17 on the left hand horizon.

#### 4 Inclusion within ASAI

Having examined the available desk top information there is no definitive reason as to why the Site is included within the proposed boundary for the ASAI. The ASAI boundary extends along the southern/western boundary of the Site, following the route of the Tullywiggan Road. While this road is an historic route shown on the 1<sup>st</sup> edition OS map, the impression is that, in this instance, it has been used to allow the ASAI to navigate around the residential properties which straddle the road in the area. The route of the ASAI then extends northeast along the side of the Site. There is no apparent historical reason for this section and indeed it appears to follow a modern lane accessing the bio-digestion plant to the north of the Site.

The monument TYR 38:17 is located on a drumlin top, overlooking the Site from the east. It is possible that the inclusion of the Site within the ASAI is a reflection of the historic viewshed from this monument. However the view in this direction from the monument is of the existing residential properties and the Mid Ulster Sports Centre (plate 2).



Plate 2: view west from monument TYR 38:17.



The key views from this monument area those to the southeast, where it has clear inter-visibility with Tullahogue Fort (plate 3). The Site is not evident in this view or the reverse from Tullahogue Fort.



Plate 3: view southeast from TYR 38:17 towards Tullahogue Fort.

A key objective of the creation of the ASAI is to prevent development in this area which would have a detrimental impact upon the wider setting of Tullahogue Fort. The proposal for the creation of the ASAI sets out the types of development deemed unacceptable for this area. This includes:

- High structures such as wind turbines,
- Masts or pylons infrastructure,
- Large scale development (height and area),
- Development which interrupts views of the fort from along surrounding roads within the ASAI
- Quarrying and mining activities.

The removal of the Site from the area of the ASAI would not result in the potential for such development to be located here. The adjacent residential properties make the Site an unsuitable location for any such development.

The proposal for the ASAI identifies the views from road approaches to Tullahogue as forming a key part of the importance of the monument and its setting. Two roads in the area of the Site form part of the approaches to Tullahogue. These are the Tullywiggan Road and the Grange Road. In both cases Tullahogue is not visible from these roads at the points where they interact with the Site. The removal of the Site from the area of the ASAI would not result in any impact upon the approach views to Tullahogue.

## 5 Conclusions and Recommendations

The creation of the proposed ASAI is aimed at preventing inappropriate development in this area which would have a detrimental impact upon the wider setting of Tullahogue Fort, including the approaches to it. The location of the Site is such that the inappropriate development outlined above would not be suitable. Furthermore there are no views of Tullahogue Fort from the approach roads where they interact with the Site. As such the removal of the Site from the ASAI would result in no adverse impacts upon Tullahogue Fort and its wider setting.



An alternative to the proposed layout would be to consider the existing farm lane extending along the south eastern boundary of the site (figure 2). This lane is shown on the 1<sup>st</sup> edition OS map of the 1830s and its use would allow the ASAI to reflect an historic boundary feature in this area.

**Figure 2: Proposed re-alignment of ASAI boundary.**

