

Elaine Mullin

From: Andrew Heasley <[REDACTED]>
Sent: 19 April 2019 12:10
To: DevelopmentPlan@midulstercouncil.org
Cc: Helen Harrison; Orlaith Kirk; Devlin, Jim (DVA); Donnelly, James (Capita)
Subject: Local Development Plan 2030 - Draft Plan Strategy - Representation on Behalf of Driver Vehicle Agency
Attachments: 190419 Driver Vehicle Agency - Desertcreat.pdf

Dear Sir / Madam

Please see the attached representation made on behalf of the Driver Vehicle Agency (DVA). The representation relates to the lands at Desertcreat, Cookstown that are designated as a 'Rural Industrial Policy Area' (RIPA) in the draft Plan Strategy.

Please do not hesitate to contact JUNO Planning at the contact details below if you require any further information.

Can you please confirm receipt of this email and the attached document?

Kind Regards

Andrew Heasley

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Check out our website at www.junoplanning.com

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 4pm on 19th April 2019 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	Department of Infrastructure, 148-158 Corporation Street, Belfast, BT1 3DH.	409 Lisburn Rd Belfast
Line 2		
Line 3		
Line 4		
Post Code	BT1 3DH.	BT9 7EW
Telephone Number	028-90254231.	028-90645222
E-mail Address		

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 SPF 6.
- (iv) Policy Policy ECON 2
- (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.

CE1 -> Coherence & Effectiveness Tests.

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:

Refer to Schedule A attached.

(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.

Refer to Schedule A attached.

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

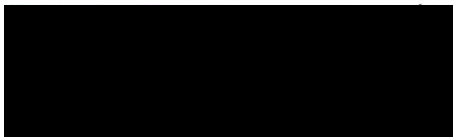
7. If you are seeking a change to the DPD, please indicate if you would like your representation to be dealt with by:

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:

Schedule A

Rural Industrial Policy Area (RIPA) at Desertcreat, Cookstown

Lands Adjacent to New Northern Ireland Fire & Rescue Service Learning & Development Centre, Desertcreat, Cookstown

Question 5: Please give detail of why you consider the DPD to be unsound having regard to the test you have identified above (Q4b). 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;

Executive Summary

The following representation has been compiled by JUNO Planning on behalf of the Driver Vehicle Agency (DVA). The representation relates to lands adjacent to the new Northern Ireland Fire & Rescue Service Learning & Development Centre, Desertcreat, Cookstown. We contend that the draft policy relating to the subject lands (ECON 2) and strategic planning policy (SPF 6) do not meet Coherence and Effectiveness test 'CE1' as they do not follow a *coherent strategy from which its policies and allocations logically flow*.

Introduction- Context for LDP Representation

DVA is an Executive Agency within the Department for Infrastructure (DfI). It is charged with the provision of driver and vehicle testing, licensing and enforcement in Northern Ireland to ensure compliance with the requirements of all relevant European and national legislation.

DVA currently operate a network of 15 test centres and 2 satellite driving test centres. It carries out over 1,000,000 roadworthiness checks and almost 60,000 practical driving tests each year. The Agency's Compliance and Roadside Enforcement section also makes use of test centres and operational depots in Belfast, Craigavon and Newbuildings to ensure the roadworthiness standards of goods vehicles, buses, taxis, private cars and agricultural vehicles meet the necessary legislative requirements.

Rising demand and changes in legislative requirements coupled with constrained physical environments mean that a number of test centres are already experiencing demand exceeding capacity during the peak period from January to June each year.

Under its Infrastructure Project, DVA are currently in negotiations with Land & Property Services and Mid Ulster District Council in relation to the purchase of lands at Desertcreat, Cookstown with the intention of developing the site for a new driver and vehicle test centre. The centre will replace the existing DVA test centre at Sandholes Road, Cookstown.

DVA will shortly submit a Pre-Application Discussion (PAD) Request to Mid Ulster District Council in relation to the proposed development at lands at Desertcreat, Cookstown. Depending on feedback from the PAD Process DVA may then progress with the submission of a Full or Outline planning application.

Introduction- Planning History Context

Planning application I/2012/0240/F granted planning permission for the following development on the subject lands in February 2013 -

"Joint services Training College (for the Police Service of Northern Ireland, the Northern Ireland Prison Service, and the Northern Ireland Fire and Rescue Service) consisting of new teaching, training and residential facilities together with associated car parking, access, landscaping and other ancillary site works. The proposal also includes construction of a single wind turbine."

We understand that this planning permission is extant and was implemented by the construction of the site access from the Dungannon Road (A29). However, we have been advised that that the Joint Training College will not be developed as originally planned, with the Northern Ireland Fire & Rescue Service the only emergency service proceeding with elements of the approved development relevant to their use.

We note that a tactical firefighting facility that was approved by the original planning (I/2012/0240/F) for the joint services training centre is currently being developed on site by NIFRS. NIFRS are also developing a training and support building approved by application LA09/2017/0439/F (description below)

Provision of a training and support building ,a revised internal single carriageway access road and car parking on behalf of Northern Ireland Fire and Rescue Services (NIFRS) as part of Desertcreat Phase 1 (approved under planning application I/2012/0240/F).

We note that the training building is an additional training support building to the buildings approved by application I/2012/0240/F.

Local Development Plan 2030 Draft Plan Strategy

The planning history of the subject site informed MUDC's decision to designate the lands at Desertcreat as a 'RIPA'. The 'Local Development Plan -Rural Industrial Policy Areas (RIPAs)' Background Evidence Paper states

"Application I/2012/0240/F has granted planning permission for a C3 use on the site which is now unlikely to be developed. LA09/2017/0439/F also granted permission for a similar use. It is felt that that these approvals "point(s) to the suitability of the site for other less traditional economic uses and this in turn would provide a mix and range to the selection of strategic RIPA sites which would mean that they are not entirely focussed on traditional industrial methods but would also embrace other forms of economic and industrial development which may become more common in the future, such as the associated research and development uses which may be required to supplement various types of industries."

In this context, the lands at Desertcreat were subsequently proposed as a 'Rural Industrial Policy Area' (RIPA) in the draft Planning Strategy (dPS) (An RIPA at Desertcreat was not included as one of the potential RIPAs listed in the 'Preferred Options Paper').

The supplementary text of the dPS 'Spatial Planning Framework (SPF) 6 – Accommodate development within the countryside that supports the vitality and viability of rural communities without compromising the landscape or environmental quality and whilst safeguarding our natural and built heritage' states that,

*"At Desertcreat RIPA suitable uses will include use class **B1 (c), B2, B3 and C3 (excluding schools)** of the Planning (Use Classes) Order (Northern Ireland) 2015 meeting the following key site requirements –*

- *Access to the site will be taken from the A29 in accordance with approval I/2012/0240/F;*
- *Development proposals must make every effort to retain existing mature trees which are located throughout the site. Similarly, all mature vegetation around the boundary of the site should be retained;*
- *All work will be subject to the agreement and implementation of a programme of archaeological works which will provide for the identification and evaluation of archaeological remains within the site;*
- *All work will be subject to the submission and consideration of a Habitat Management Plan;*
- *No work will take place within 25 metres of a badger sett entrance without a Wildlife License being issued by a NIEA Wildlife Officer;*
- *No development shall take place involving the two ponds on the northern portion of the site, without a Wildlife License being issued an NIEA Wildlife Officer and the conditions of that License have been complied with."* (pg 43 para. 4.40)

The proposed RIPA at Desertcreat is also referenced as follows in the 'Overview' of the 'Economic Development' chapter –

*"Our Plan will also designate Rural Industrial Policy Areas (RIPA) in order to protect and consolidate existing areas of rural industry. Two RIPA's which are of strategic importance are designated in this Plan Strategy. They are located at Tullyvannon (Killeeshil at old A4 Ballygawley Rd) and **at the site of the proposed fire safety training college at Desertcreat**. The Key Site Requirements for both are contained in the Growth Strategy. These RIPA's are not land zonings nor are they urban areas subject to settlement limit. Apart from the uses specified in the KSR's any development within a RIPA will be assessed in accordance with General Principles Planning Policy and other relevant policies for development in the countryside." (emphasis added)*

The paragraph above states that alternative uses will be considered acceptable if they are in accordance with the 'General Principles' planning policies (listed below) and policies relating to development in the countryside.

- (a) Amenity
- (b) Nature and Scale of development
- (c) Siting, Design and External Appearance
- (d) Advertisement
- (e) Access, Road Layout and Parking Provision
- (f) Meeting Needs of People with Mobility Difficulties
- (g) Other infrastructural requirements
- (h) Landscape Character
- (i) Biodiversity
- (j) Planning Gain and Developer Contribution

In relation to the subject lands proposed designation we also note the following draft planning policies -

- ECON 2 – Economic Development in the Countryside
- ECON 3 – Protection of Zoned Land & Existing Economic Development Sites
- ECON 4 – Development Incompatible with Economic Development Uses'

ECON 3 states that,

"Proposals which will result in the loss of land zoned for economic development (existing or proposed) will not accord with the Plan unless it is demonstrated that there are important community and employment benefits. Elsewhere within the settlement, change of use of existing economic development land, or land last used for these purposes, may be permitted where there is no need to protect it for employment purposes and redevelopment of the land would result in environmental benefits" (pg. 120)

ECON 4 states that,

"A proposal for development in the vicinity of an existing or approved economic use that would be incompatible with this use or that would prejudice its future operation will not accord with the Plan." (pg. 121)

Comment on Soundness

On behalf of DVA we suggest that in the absence of clarification on the points outlined below (a & b) we cannot be satisfied that the dPS is 'sound.' We contend that the current policy relating to the proposed RIPA at Desertcreat does not meet soundness test 'CE1' as it does not follow a *coherent strategy from which its policies and allocations logically flow.*

- (a) RIPAs (including at Desertcreat) *"are not land zonings nor are they urban areas subject to settlement limit."* This reference is unclear, but we note that the RIPA designations are in addition to the 170 hectares of zoned land required in the main hubs of Dungannon, Cookstown and Magherafelt.

- (b) It is unclear from the dPS whether RIPAs are subject to economic planning policy, in particular Policies ECON 3 & 4 of the dPS. If RIPAs are subject to draft policies ECON 3 & 4 this will introduce another layer of policy consideration in addition to those identified as key site requirements. In the potential case of an application for the proposed DVA test centre, the applicant would have to demonstrate that there are important community and employment benefits with the alternative use (as per ECON 3); and that the use would not be incompatible with existing uses or would prejudice future operations relating to economic development (as per ECON 4).

In this context it is unclear how the dPS strategic planning policy (SPF6) and economic planning policies (Policy ECON 3 & 4) relate. We highlight that the policy ambiguity could potentially have particular implications for Desertcreat RIPA and acceptable future land uses. We contend that the dPS has not demonstrated consistency between these two policies and therefore does not logically flow or demonstrate a coherent approach to implementing the dPS objectives.

Further to our comments on soundness above, we further add that the Desertcreat RIPA key site requirements should be amended to make provision for 'sui generis' uses as long as the proposed use is appropriate to the site (as per the policy requirements of draft Policy GP1 General Principles).

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

We consider that explanatory text should be provided in the dPS clarifying whether RIPAs will be subject to economic development policies (Policy ECON 3 & 4). If RIPAs are subject to these policies the implications of potential uses will need to be reviewed by MUDC to confirm the coherence of this policy approach (Test CE1).

In addition to our recommendations on soundness, we further add that the Desertcreat RIPA key site requirements should be amended to make provision for 'sui generis' uses as long as the proposed use is appropriate to the site (as per the policy requirements of draft Policy GP1 General Principles).