

O'Callaghan PLANNING

Adding Value Through Quality Design

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

23rd September 2020

Dear Sir / Madam,

Local Development Plan 2030 – Draft Plan Strategy - Representation

I refer to the above-mentioned Draft Plan Strategy and to your invitation for the submission of representations as part of the public consultation process.

We wish to make the following comments on behalf of:

Company Name	Orchard County Contracts
Client	C/o O'Callaghan Planning
Address	Unit 1, 10 Monaghan Court, Monaghan Street, Newry



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O'Callaghan Planning | Unit 1, 10 Monaghan Court, Newry. BT35 6BH | [REDACTED]

Email: enquiries@ocallaghanplanning.co.uk | www.ocallaghanplanning.co.uk

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Our comments in relation to the Draft Plan Strategy relate to the following:

			Sound / Unsound
(i)	Paragraph	4.10	Unsound
		4.12	Unsound
		4.17	Unsound
		4.37	Sound
		7.24	Unsound
		7.25	Unsound
		7.31	Unsound
		7.33	Unsound
		15.13	Unsound
(ii)	Objective		
(iii)	Growth Strategy / Spatial Planning Framework	SPF 2 – Focus growth within the three main towns/hubs of Cookstown, Dungannon and Magherafelt and strengthen their roles as the main administrative, trade, employment and residential centres within the District.	Unsound
		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	Sound
(iv)	Policy	OS2	Unsound
		ECON 2C	Unsound
		ECON 3	Unsound
		TOU 3	Unsound
		HE12	Unsound

	HE14	Unsound
	FLD 4	Unsound
	FLD 5	Unsound
(v) Proposals Map	Map 1.2	Sound
	Map 1.4	Sound
	Map 1.5	Sound
	Map 1.6	Sound
(vi) Site Location		

Having regard to Development Plan Practice Note 6, we consider the following test(s) have not been met

Issue	Soundness Test (No.)	Reason for unsoundness
Para. 4.10	C4, CE4	Current wording does not make it clear that account will be taken of the need for a coherent edge to the settlement limit; Current wording does not make it clear that sites on the urban fringe, with relevant planning history, may be more appropriate than a more centrally-located site, for example.
SPF 2	C4, CE4	The Plan proposes to focus growth in the 3 main towns. This could be to the detriment of smaller settlements in the Plan area.
Para. 4.12	C4, CE4	“This means protecting existing economic zonings” – this prematurely presumes that existing zonings should be retained, and does not anticipate that some existing zonings may be better suited to alternative use(s).
Para. 4.17	C4, CE4	Does not indicate that priority will be given to sites that have a relevant planning history, or sites where there is a reasonable prospect that housing could be developed.
Para. 7.24	C4, CE4	Places an inordinately high emphasis upon current guidance, with little flexibility shown.
Para. 7.25	C4, CE4	If policy is adhered to slavishly, this will automatically debar certain proposals even where careful design solutions can overcome problems typically associated with tandem development.
Para. 7.31	C4, CE4	If Policy is applied slavishly, there will be no provision for departure from this arbitrary figure even where local circumstances dictate this will be appropriate. Policy does not differentiate between inner-urban and urban fringe sites
Para. 7.33	C4, CE4	Policy places an inordinately high weighting on existing guidance; leaves little flexibility; and little recognition of local circumstances (or indeed developments where small rear gardens are not required / are not in keeping with established character).
Policy OS2	C4, CE4	Introduction of an arbitrary biodiversity strip is excessive and will not always respond to local circumstances (e.g. culverts / built-up urban settings)
ECON 2C	C4, CE4	Fails to acknowledge Opportunity Site for Recreation with Supporting Mixed-Use at Coalisland.
ECON 3	C4, CE4	Environmental benefits appear to be mandatory – this does not allow for community or other benefits; does not appear to provide for the alternative use of sites that have previous or pending applications for alternative uses; does not provide for alternative use of sites that have not been used or proposed for economic development for a sustained period of time.
Para. 15.13	C4, CE4	Tourism Opportunity Sites ought to have included other locations also
TOU 3	C4, CE4	Does not neatly provide for tourist development at an existing tourist asset;

		Does not anticipate tourist development immediately outside a settlement limit, where the tourist asset is inside the limit.
HE12	C4, CE4	Demolition of buildings: Does not contain any tests regarding economic viability of repairs; Definition of "capable of active re-use" – this is subjective and is not properly defined.
HE14	C4, CE4	Demolition of buildings: Does not contain any tests regarding economic viability of repairs; Definition of "capable of active re-use" – this is subjective and is not properly defined.
FLD 4	C4, CE4	"Appropriate controls" are not defined.
FLD 5	C4, CE4	Fails to recognise that culverting is not always detrimental; Fails to recognise that applicants may already be in possession of a statutory consent to culvert a watercourse; Fails to distinguish between the size of the watercourse.

In addition to the foregoing we believe the following aspects of the DPD are sound and our comments are set out accordingly

Issue	Soundness Test (No.)	Reason for support
SPF 4	CE2	This proposes to maintain and consolidate the role of the villages as local service centres, which is preferable to reducing the amount of available lands due to previously low uptake, for example. This support would be withdrawn in the event there was any intention to retract settlement limits in villages.
Para. 4.37	CE2	The designation of Rural Industrial Policy Areas is appropriate because of the tradition of rural entrepreneurship in the District. There are a large number of medium and large sized employment uses in the countryside for whom relocation to an urban area is not a viable option, hence there needs to be some rural provision. Would support the designation of additional zonings of this nature, with a better geographic spread throughout the District.
Map 1.2 Granville and Dungannon Economic Development Zones	CE2, CE4	These zonings are supported because of the potential to provide a better spread of industrial land, in more appropriate locations than are currently provided for. The zonings will help address current problems associated with the availability of lands and / or the appropriateness of current economic development zonings.
Map 1.4 Opportunity Site for Recreation with Supporting Economic Mixed-Use Development	CE4	This Zoning is supported owing to the potential for improvement in a degraded landscape. The approval has the potential to be a springboard for other recreational uses if the mix of associated uses is appropriate. This could possibly be expanded on to allow for some housing.
Map 1.4	CE4	As above – the area of land shown already benefits from planning approval. Mixed use on the site has the potential to redress current imbalances. The availability of such land may help deliver affordability in industrial units – land costs are high at present owing to the shortage of alternative developments, so encouraging ownership may help businesses divert rents towards further investment.

Map 1.5 Rural Industrial Policy Area	CE2	The designation of Rural Industrial Policy Areas is appropriate because of the tradition of rural entrepreneurship in the District. There are a large number of medium and large sized employment uses in the countryside for whom relocation to an urban area is not a viable option, hence there needs to be some rural provision. Would support the designation of additional zonings of this nature, with a better geographic spread throughout the District.
Map 1.6 Rural Industrial Policy Area	CE2	The designation of Rural Industrial Policy Areas is appropriate because of the tradition of rural entrepreneurship in the District. There are a large number of medium and large sized employment uses in the countryside for whom relocation to an urban area is not a viable option, hence there needs to be some rural provision. Would support the designation of additional zonings of this nature, with a better geographic spread throughout the District.
Policy GP 1(I)	CE1	Developer Contributions – this Policy is to be encouraged as the number of applications subject to legal agreements appears much lower than in other jurisdictions.

Whereas we consider the DPD to be unsound, we believe that it could be made sound if account was taken of the following:

Issue	Suggested amendments
Para. 4.10	To make it clear that account will be taken of the need to round off and consolidate development edges with a coherent line, particularly where edges are irregular or unnatural; To make it clear that a site with a relevant planning history, on the urban fringe, may be as appropriate within the new settlement limit, if it can be developed, as a centrally located site that is stymied / over encumbered with constraints.
SPF 2	To allow for appropriate growth of all settlements across the Plan area, particularly villages, e.g. Benburb, which has had low housing uptake in recent years due to access constraints that are just being overcome.
Para. 4.12	“This means protecting economic zonings, unless the zoning is no longer necessary, or has relevant planning history for alternative use(s) or which is unlikely to be developed for economic activity”.
Para. 4.17	Priority will also be given to locations where there is an established planning history or pending application for residential development.
Para. 7.24	“normally around 20 metres” and clarification provided that the figures quoted are guides only and will be looked at on a case-by-case basis, particularly where there are no opposing or rear / side facing windows at first floor level.
Para. 7.31	Open space provision shall normally be around 10%, unless local circumstances dictate otherwise (a reduction may be permitted in certain instances).
Para. 7.33	Rear Gardens shall measure around 10 metres in depth, unless site circumstances dictate otherwise, or where there is no back-to-back relationship anticipated.
Policy OS2	To differentiate between built-up areas and greenfield sites.
ECON 2C	To allow for development at the proposed Opportunity Site for Recreation with Supporting Economic Mixed-Use Development at Coalisland.
ECON 3	Permit the change of use of industrial land in settlement limits where there is no need to protect it for employment purposes and / or redevelopment

	would result in environmental and / or economic benefits and / or there have been previous applications for alternative use(s) and / or where there has been a sustained period of non-use on the site.
Para. 15.13	Tourism Opportunity Sites should include Dyan.
TOU 3	Should be amended to allow for tourist accommodation at an existing tourist asset, regardless of whether the tourist asset is inside or outside a settlement limit.
HE12	Demolition of buildings: Permission will not be granted for demolition of historic buildings or structures which are structurally capable of active re-use, repair or renovation, or where the cost of refurbishment is such that the project is not financially viable, or where the scale of intervention required is such that the building could no longer be truly recognised as "original".
FLD 4	Distinguish between privately managed reservoirs and those managed by a public body / statutory agency; Make it clear that where public bodies / statutory agencies are involved in the monitoring process, that it is likely that any remedial works necessary will be undertaken within a reasonable time frame (at present developers are expected to provide a Condition Assurance, which is not always possible due to public authorities' programming schedules); Recognise that at present reservoir owners have a legal responsibility to safely manage and maintain their reservoirs.
FLD 5	Provide for exceptions: Where an applicant already has consent for culverting from Rivers Agency, regardless of whether the reasons for so doing are connected to the planning process; Where the development would have no adverse impact (on landscape quality / ecology / biodiversity / flooding elsewhere); Where the watercourse is minor or undesignated; Where the maintenance of the watercourse will have a disproportionate effect on the development potential of the site.

Whereas we are seeking a change to the DPD, we would be grateful if our representation can be dealt with by

Written Representation

Oral Hearing

Signed

Position

Date

