

**Roisin McAllister**

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**From:** 2 Plan NI - Sheila Curtin <info@2planni.co.uk>  
**Sent:** 24 September 2020 13:48  
**To:** DevelopmentPlan@midulstercouncil.org  
**Subject:** Draft Plan Strategy Representation -Mr Archie Weir - Moy  
**Attachments:** 2Plan NI -A. Weir. Moy.23.09.2020.pdf; MUPOP-44.pdf; Representation-Form-(extended-deadline).pdf

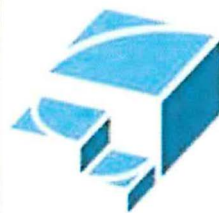
**Follow Up Flag:** Follow up  
**Flag Status:** Completed

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. Archie Weir -Moy 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  
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**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 24<sup>th</sup> September 2020 to:**

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

Or by email to [developmentplan@midulstercouncil.org](mailto: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	<div style="border: 1px solid black; width: 230px; height: 130px;"></div>	<div style="border: 1px solid black; padding: 5px;">2Plan NI 47 Lough Fea Road Cookstown Co. Tyrone</div>
Line 2		
Line 3		
Line 4		
Post Code	<div style="border: 1px solid black; width: 230px; height: 20px;"></div>	<div style="border: 1px solid black; padding: 2px;">BT80 9QL</div>
Telephone Number	<div style="border: 1px solid black; width: 230px; height: 20px;"></div>	<div style="border: 1px solid black; padding: 2px;"><div style="background-color: black; width: 100px; height: 15px;"></div></div>
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  | <div style="border-bottom: 1px solid black; width: 330px;"></div>           |
| (ii) Objective                                       | <div style="border-bottom: 1px solid black; width: 330px;"></div>           |
| (iii) Growth Strategy/<br>Spatial Planning Framework | <div style="border-bottom: 1px solid black; width: 330px;">SPF 4 -Moy</div> |
| (iv) Policy  | <div style="border-bottom: 1px solid black; width: 330px;"></div>           |
| (v) Proposals Map                                    | <div style="border-bottom: 1px solid black; width: 330px;"></div>           |
| (vi) Site Location                                   | <div style="border-bottom: 1px solid black; width: 330px;"></div>           |

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

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## 1. Introduction

2Plan NI wish to make the following submission of behalf of Mr. Archie Weir 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 Moy. In the event that a representation is made contesting the inclusion of said lands within the Development Limit of Moy 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 support the plan objectives as outlined in para 3.15 of the Draft Plan Strategy, in particular we support the following objectives:

- *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.*

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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.*

*Moy has been identified as a village within the Draft Plan Strategy. Appendix 1 of the Draft Plan Strategy (Housing local Indicators and Economic Development Indicators over Plan Period 2015-2030) indicates that Moy will only be afforded 131 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 (3.15) *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.* In order to achieve the plan objective to provide 11,000 new homes by 2030, and to provide Moy with its equitable share of housing we contend that the rigid adherence to the HGI indicators need to be reconsidered.*

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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. Moy is a desirable location to live in, this is reflected in the level of services and amenities provided and sustained within the settlement, the settlement limit should therefore not be overly restricted.

Moy provides many services and amenities not found in many of the other designated villages, however little recognition is given within the plan's objectives to encourage the growth of these services and amenities, some of which are destination amenities, e.g. restaurants and specialist retailing. 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 such as Moy, would be unsound and inappropriate and are not 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 Moy:

- *Moy has a population of 1603 and living in 591 households.*
- *The settlement has developed along the A29 Armagh to Dungannon road corridor with the core of the settlement located in and around the planned streetscape known as The Diamond. The village has considerable character with the bulk of the streetscape to the east designated as a Conservation Area and built form to the west of this also designated as an Area of Townscape Character.*
- *The gradient of the settlement appears to suggest the main core of the settlement occupies a slight incline or ridge position. Surrounding lands undulate in gradient and fall downward towards the River Blackwater to the east.*
- *Service provision within the settlement is well provided for in terms of everyday needs and facilities. There are good links to larger settlements such as Dungannon and Armagh via road networks and public transport facilities to obtain a wider range of goods and services.*
- *In terms of capacity to accommodate growth, development constraints include areas susceptible to flooding within a floodplain area on lands to the east of the settlement in and around the River Blackwater which may restrict development potential in this direction. Other constraints include a corresponding LLPA designation which progresses along the river corridor which may further constrict development.*
- *Information contained in the housing allocation paper would suggest that there is no need for additional housing in Moy 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 the potential for 229 residential units to be completed within the settlement limit.*

1.3 Taking into account the level of service provision, the potential for employment within the settlement, the population size and the spatial guidance within the RDS and gaining a balance



*between such settlement classification criteria, it is recommended that Moy retains its classification status as a village in the new settlement hierarchy.*

*1.4 This classification is in conformity with the output of the Settlements and Dispersed Rural Communities Workshop, held in April 2015, whereby members and council officials in attendance agreed that Moy should be classified as a village in the new settlement hierarchy.*

*The Preparatory Paper as quoted above is now over 5 years out of date, and significant developments have occurred within Moy since July 2015, decreasing the remaining land availability for development within Moy. The following constraints are evident in some of the remaining undeveloped lands within Moy, which impacts on the actual residual zoning figure for Moy:*

- *Fluctuated site prices due to demand*
- *Presence of surface water flooding*
- *Located in part within a Floodplain (Rivers)*
- *Presence of Archaeological Site and Monument*
- *Abuts a Local Landscape Policy Area*
- *Forms part of the setting of the River Blackwater.*

We take this opportunity to demonstrate that our clients land, which is currently located outside but directly abuts the Development Limit of Moy, contains none of the development constraints outlined above. It is available for immediate development and is identified in the Moy Settlement Appraisal Map as containing no constraints on Development.

#### **Remedy**

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We recommend that 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 assessed for inclusion within the settlement limit with regards to the provision of future housing land for the plan period. To provide an equitable plan, a reassessment needs to be taken of all current uncommitted lands during the preparation of the Local Policies Plan.

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. Moy is a desirable location to live in, this is reflected in the level of services and amenities provided within the settlement, the settlement limit should therefore not be overly restricted to enable compliance with the Plans own objective and that of the Community Plan.

#### **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/265

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47 Lough Fea Road, Cookstown. BT80 9QL

T: [REDACTED]

M: [REDACTED]

**From:** Colm Donaghy Chartered Architect <info@colmdonaghy.com>  
**Sent:** 17 January 2017 12:31  
**To:** DevelopmentPlan@midulstercouncil.org  
**Cc:** Pat McBride; B Weir  
**Subject:** Site at Gorestown Road Moy Co Tyrone  
**Attachments:** ARCHITECTS EMAIL 06 06 16.pdf; Pat McBride Letter 17 01 17.pdf

FAO Sinead McEvoy

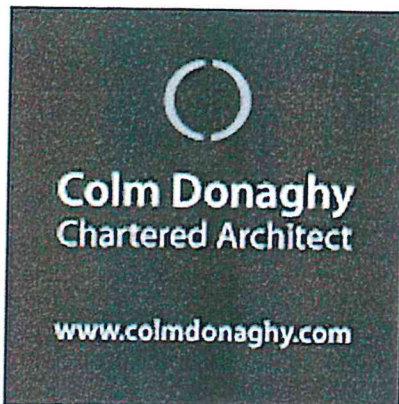
Sinead

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

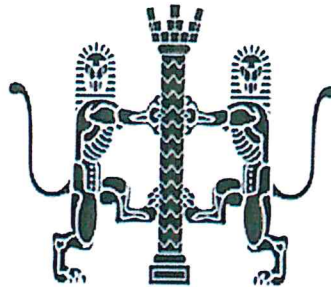
If you require any further information, please contact the undersigned.

Regards

Colm



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Comhairle Ceantair  
**Lár Uladh**  
**Mid Ulster**  
District Council

**From:** Colm Donaghy Chartered Architect [<mailto:info@colmdonaghy.com>]

**Sent:** 06 June 2016 12:26

**To:** Sinead McEvoy [REDACTED]

**Subject:** Site at Gorestown Road Moy

Sinead

Hope you are well and the enjoying the excellent weather.

Please find attached part of the 2010 area plan for Moy. I have shaded an area in yellow to bottom RHS.

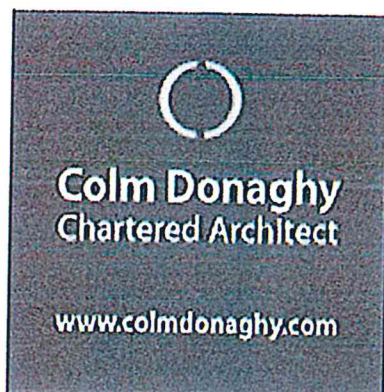
These lands are owned by a client who would consider developing a row of detached dwellings which would front the main Gorestown road. The site is directly opposite to a development which is nearing completion.

In addition, I have attached an image of Gorestown road and the proposed site is immediately on the LHS.

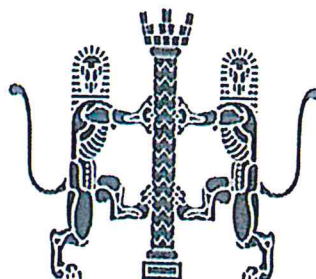
The site in yellow is adjacent to but outside the existing limit and I would appreciate your thoughts on how best to move this proposal forward.

Regards

Colm

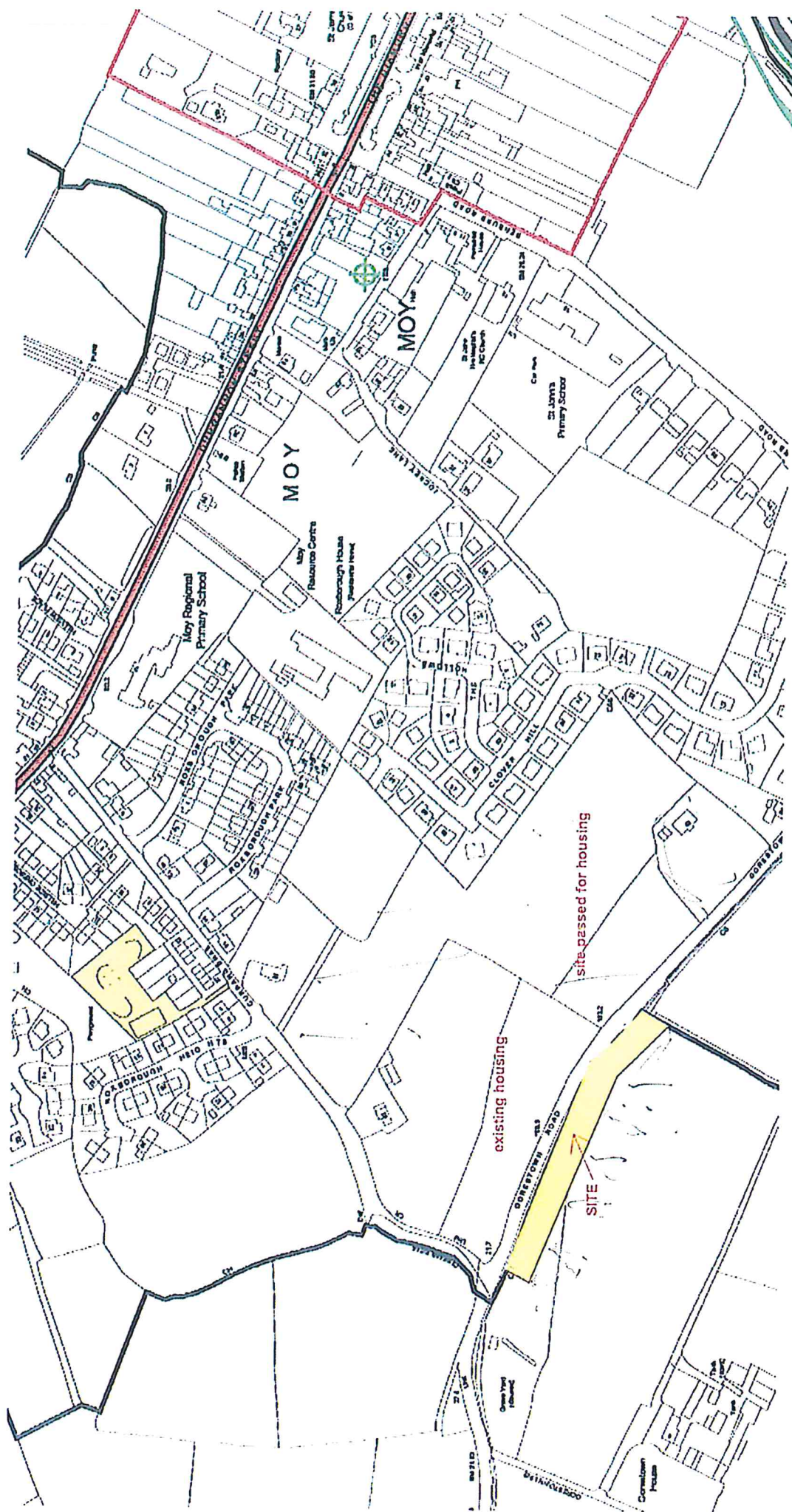


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*Pat McBride  
BSc(CEng) DipTP  
Planning Consultant*



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**Lands adjacent to the Gorestown Road, Moy**

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 facilities such as schools, shopping and other community facilities and that are attractive and popular residential locations.
5. The POP should reflect this in its housing allocations for particular villages such as Moy with a population of over 1300 which meet these criteria. 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 off sensitive rural areas.
7. Such an area is identified on the enclosed drawing.

*Pat McBride*

*17<sup>th</sup> January 2016*