

ANNEX B – Response Pro-forma

Name: MICHAEL GRAHAM

Address: MONTGOMERY ROAD, BELFAST, BT6 9UP

Original Representation Reference Number: MUDPS/138 (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c) I confirm that I wish for my original representation to be withdrawn and that I no longer wish to make a representation.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:

If you require assistance when completing the above, please contact 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.

17th September 2020

Sinead McEvoy

From: matthew.crothers <[REDACTED]>
Sent: 19 April 2019 12:06
To: DevelopmentPlan@midulstercouncil.org
Cc: michael.graham
Subject: Representation to MUDC Local Development Plan 2030 - Draft Strategy Document on behalf of IVM 034 c/o Specialist Joinery Group
Attachments: Representation to MUDC Local Development Plan 2030 - Draft Strategy Document on behalf of IVM 034 co Specialist Joinery Group - 19.4.2019.pdf
Importance: High

Dear Sir/Madam,

Please find attached a representation to the Mid Ulster District Council Local Development Plan 2030 Draft Plan Strategy Document on behalf of our client, **IVM 034 c/o Specialist Joinery Group**.

I would appreciate if you could confirm receipt of this submission by way of return response to this email.

In the meantime should you have any queries or require further information then please do not hesitate to contact myself or a member of the planning team at this office.

Kind regards

Matthew Crothers
Associate

WYG
1 Locksley Business Park, Montgomery Road, Belfast, BT6 9UP
Tel: [REDACTED]

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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

Mid Ulster District Council Local Development Plan 2030 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	c/o Specialist Joinery Group 100 Coleraine Road Maghera	1 Locksley Business Park Montgomery Road Belfast
Line 2		
Line 3		
Line 4		
Post Code	BT46 5BP	BT6 9UP
Telephone Number	028 79 643021	028 90706000
E-mail Address	[REDACTED]	

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	<u>Various - refer to enclosed submission</u>
(ii) Objective	<u>Various - refer to enclosed submission</u>
(iii) Growth Strategy/ Spatial Planning Framework	<u>Various - refer to enclosed submission</u>
(iv) Policy	<u>Various - refer to enclosed submission</u>
(v) Proposals Map	<u>N/A</u>
(vi) Site Location	<u>N/A</u>

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.

Various - refer to enclosed submission

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 submission.

(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 submission.

(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:

**Submission of Representation on behalf of IVM 034 - Lands at Clady
Mid Ulster District Council (MUDC) Local Development Plan 2030
Draft Plan Strategy Document**

1.0 Introduction

- 1.1 This representation is on behalf of **IVM 034** c/o **Specialist Joinery Group ('SJG')** and builds upon the previous submission on their behalf in relation to the Mid Ulster District Council ('MUDC') Preferred Options Paper ('POP'), made in January 2017.
- 1.2 As per the previous POP submission, in considering this representation, it is important to note that **IVM 034** has land at Clady of circa 3.9 acres (1.57hectares), which will be made available for future housing development (a Site Location Plan is at **Appendix 1**).
- 1.3 On behalf of **IVM 034** we comment on the MUDC Draft Plan Strategy Document ('DPSD') on the following pages. To assist MUDC, our response follows the layout of the DPSD and sets out:
- that part of the DPSD to which our representation relates;
 - whether we believe the DPSD to be sound or unsound;
 - the soundness tests which we believe are applicable;
 - details of why we consider the DPSD to be sound or unsound; and
 - details of any changes we believe are necessary to make the DPSD sound.

2.0 Consideration of Draft Plan Strategy & Recommendations

Section 3.0

Local Development Plan Vision and Objectives (pages 29 to 31)

- 2.1 **IVM 034** is supportive of the **Local Development Plan Vision and Objectives (pages 29 to 31)** of the DPSD and, in particular, those which aim:

"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 (page 30)".

"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 (page 31)".

**Submission of Representation on behalf of IVM 034 - Lands at Clady
Mid Ulster District Council (MUDC) Local Development Plan 2030
Draft Plan Strategy Document**

- 2.2 In order to achieve these Plan Objectives, it will be important to ensure that there is enough land provided to facilitate future housing growth and support Clady's role as a Village.
- 2.3 Additional land is required in Clady as evidenced by the MUDC Position Paper – *Strategic Settlement Evaluation – July 2015*, which identifies that Clady "**...may require a small extension to the settlement limit**" to accommodate required additional housing units up to 2030. This is also supported by the housing allocations indicated within the DPSD at its *Appendix 1 – Housing Local Indicators*, which identifies a total of 44No. units for Clady for the period to 2030.
- 2.4 **IVM 034's** lands within Clady can assist in meeting these requirements for additional housing lands, thereby supporting Clady's growth and role as a Village, whilst also assisting in meeting and delivering the **Local Development Plan Vision and Objectives**.

Section 4.0

Growth Strategy and Spatial Planning Framework (pages 33 to 53)

- 2.5 **IVM 034** is supportive of the **Growth Strategy and Spatial Planning Framework (pages 33 to 53)** of the DPSD, and in particular, the MUDC Settlement Hierarchy at Table 2 page 37, which identifies and reclassifies Clady as a village from its small settlement position within the current **Magherafelt Area Plan 2015 ('MAP')**.
- 2.6 Appendix 1 of the DPSD Strategy provides information on Housing Growth Local Indicators for the District over the plan period and it aligns with that of the POP in terms of allocations and an identified need for units for Clady. This is supported by **IVM 034**.
- 2.7 The DPSD identifies a housing need of 44No. units for Clady to 2030 (this equates to 26No. units outside the settlement development limit ('SDL') once 18No. committed units have been considered). It is understood that the committed units are within the existing SDL of Clady and that the remaining 26No. units will require to be delivered through land being brought within the SDL due to limited land remaining for such purposes. This requirement for an extension to the SDL, as identified above, is confirmed within the MUDC Position Paper – *Strategic Settlement Evaluation – July 2015*.
- 2.8 **IVM 034's** land in Clady can facilitate the required additional units and can assist in meeting the identified requirement for additional housing land. However, **IVM 034** believe that the 44No. units indicated for Clady is not enough, particularly given its reclassification to a Village

**Submission of Representation on behalf of IVM 034 - Lands at Clady
Mid Ulster District Council (MUDC) Local Development Plan 2030
Draft Plan Strategy Document**

(from a small settlement) within the DPSD. As such, **IVM 034** believe that an increased allocation should be provided at this stage in order to support the position of Clady as a Village and to ensure that the Growth Strategy and Spatial Planning Framework of the DPSD will be effective and flexible enough to deliver the Plan Vision and Objectives going forward.

- 2.9 Whilst **IVM 034** believe an increased allocation from that indicated should be provided at this stage in order to support the position of Clady as a Village and assist in delivering the plan vision and objectives, it is supportive of the stance at paragraph 4.18 which states:

"We recognise that over the plan period the RDS Housing Growth Indicators (HGIs) may change and these will be taken into account when preparing our Local Policies Plan and at Plan Review".

- 2.10 The above approach ensures that an element of flexibility has been built into the plan and that there is scope for changes in housing growth to be accommodated by the plan, be it through preparation of the Local Policies Plan or at plan review stage.

- 2.11 **IVM 034** note that the Spatial Planning Framework reflects the Strategic Planning Guidelines (SPG's) of the MUDC POP and, in particular, is supportive of **Spatial Planning Framework ('SPF') 4** of the DPSD which seeks to:

"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".

[our underlining emphasis]

- 2.12 Again, to maintain and consolidate Clady, opportunity for new housing sites must be provided. This is acknowledged as being required under **SPF4** of the DPSD, i.e. ***"...providing opportunity for housing..."***.
- 2.13 Again, in order to support this position, **IVM 034** believes that an increased allocation from that indicated should be provided at this stage. Its lands at Clady are excellently placed to facilitate both the delivery of the identified allocation and any potential increase to it.
- 2.14 It is noted in relation to villages and small settlements at paragraph 4.26 (page 40) of the DPSD that:

**Submission of Representation on behalf of IVM 034 - Lands at Clady
Mid Ulster District Council (MUDC) Local Development Plan 2030
Draft Plan Strategy Document**

"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".

- 2.15 Whilst there may be no intention to reserve land for such uses, this should not preclude land from being brought within SDL of villages in order to allow for provision of housing, where it may be required to meet identified need and the Vision and Objectives of the plan. Again, the MUDC Position Paper – *Strategic Settlement Evaluation – July 2015* clearly identifies that Clady ***"...may require a small extension to the settlement limit"*** to accommodate required additional units up to 2030.
- 2.16 As confirmed previously at POP stage, **IVM 034** will make its land available for housing and it is notable that the land in question was identified in MUDC's own Clady Settlement Appraisal Map at POP stage, as having: ***"no constraints on development"***. **IVM 034's** land is circa 1.57Ha and could accommodate circa 32No. dwellings
- 2.17 **IVM 034's** land at Clady is therefore excellently placed to assist in providing for future housing to maintain and consolidate Clady's role as a Village and assist in meeting and delivering the Plan Vision and Objectives. It can support and facilitate both the identified and any increased housing allocation for Clady, whilst also logically rounding off its SDL. **IVM 034** reserves the right to comment further on this aspect at any Independent Examination in relation to the DPSD.

Section 6.0

General Principles Planning Policy (pages 57 to 61)

Draft Policy GP1 - General Principles Planning Policy

- 2.18 ***Draft Policy GP1 - General Principles Planning Policy*** is provided within the DPSD to ensure that the development of the MUDC District occurs in a sustainable way.
- 2.19 It sets out a number of general principles relating to development and provides that planning permission will be granted for sustainable development where the proposal accords with the Plan and there is no demonstrable harm in relation to a number of specific areas including:
- amenity;
 - nature and scale of development;

**Submission of Representation on behalf of IVM 034 - Lands at Clady
Mid Ulster District Council (MUDC) Local Development Plan 2030
Draft Plan Strategy Document**

- siting;
- design and external appearance;
- advertisement;
- meeting needs of people with mobility difficulties;
- other infrastructural requirements;
- landscape character;
- biodiversity; and
- planning gain and developer contribution.

2.20 Whilst the provision of a general principles planning policy is supported in broad terms, **IVM 034** believe that it is unsound in respect of its criteria (h) Landscape Character and (i) Biodiversity in that it fails to meet tests **C3 (Consistency)** and **CE4 (Coherence and Effectiveness)**. We expand below.

2.21 *Criterion (h) Landscape Character* requires that:

"Development proposals should respect, protect and/or enhance the region's rich landscape character, features and sites designated for their landscape quality at any level. They should also reflect the scale and local distinctiveness of the landscape".

2.22 *Criterion (i) Biodiversity* requires that:

"Development proposals should respect, protect and/or enhance the District's rich and distinct biodiversity and sites designated for their contribution to the natural environment at any level".

2.23 It is the position of **IVM 034** that these criterion of **Draft Policy GP1 General Principles Planning Policy** fail to satisfy the tests of **C3 (Consistency)** and **CE4 (Coherence and Effectiveness)** in that the policy is not consistent with, nor does it incorporate, an appropriate degree of flexibility in line with the Strategic Planning Policy Statement ('SPPS') and Regional Development Strategy ('RDS').

2.24 To have a test of 'enhance' is considered too onerous and one which could unnecessarily prevent development that is otherwise acceptable and which respects both landscape character and biodiversity.

**Submission of Representation on behalf of IVM 034 - Lands at Clady
Mid Ulster District Council (MUDC) Local Development Plan 2030
Draft Plan Strategy Document**

2.25 Whilst we understand that the SPPS seeks to provide policies which provide enhancement, it is noted that paragraph 6.170 of the SPPS refers to the RDS 2035, which provides regional guidance to conserve, protect and where possible enhance our natural environment. It recognises that effective care of the environment provides very real benefits in terms of improving health and well-being, promoting economic development and addressing social problems which result from a poor-quality environment. This relates directly to Policy RG 11 of the RDS 2035 which aims to: ***"Conserve, protect and, where possible, enhance our built heritage and our natural environment"***.

2.26 This clearly provides an element of flexibility for where enhancement is not possible.

Recommendation

2.27 It is respectfully suggested that the use of the words 'respect, protect and/or enhance' should be revisited or clarified to state 'respect, protect and, where possible, enhance'.

2.28 This proposed rewording would ensure better consistency with both the SPPS and RDS and also provide greater flexibility to this policy as part of the DPSD and allow for instances where enhancement is not possible. In doing so **IVM 034** believe it would be in line with soundness tests **C3 (Consistency)** and **CE4 (Coherence and Effectiveness)**.

Section 7.0

Housing In Settlements (pages 63-74)

Draft Policy HOU2 – Quality Residential Development (pages 67-71)

2.29 ***Draft Policy HOU2 – Quality Residential development*** is provided within the DPSD to ensure that housing development in the MUDC District provides a quality residential development. It sets out a number of criteria and justification and amplification for each.

2.30 Whilst the provision of the policy is supported in broad terms by **IVM 034**, there are some areas which require clarification and that it is unsound in other areas as it fails to meet tests **C3 (Consistency)** and **CE4 (Coherence and Effectiveness)**. We expand below.

Creating a Sense of Place and Avoiding Town Cramming (paragraphs 7.20 to 7.23)

2.31 Paragraph 7.20 relates to Creating a Sense of Place and Avoiding Town Cramming and states:

"Town cramming can be avoided by applying appropriate densities to new development. On sites of 0.5 hectares or over, densities of developments should respond to their surrounding and normally be in the range of 10-30 units per hectare. Higher densities may be acceptable in our town centres, mixed use areas or zonings identified for social and affordable housing".

- 2.32 **IVM 034** agree with and support the proposed minimum density of 10-30 units per hectare. As stated in our response at POP stage, such provision will ensure that the character of MUDCs towns, villages and small settlements is maintained.

Separation Distance and Amenity (paragraphs 7.24 to 7.25)

- 2.33 Paragraph 7.24 relates to Separation Distance and Amenity and states:

"Separation distance is important not only to prevent town cramming but to prevent over dominance, over-looking and overshadowing, protect privacy and avoid overlooking. Developments should provide adequate separation distance, normally a minimum distance of 20 metres between facing windows of habitable rooms in the interests of privacy and a minimum distance of 12 metres between a front or rear elevation and a gable should be provided in the interests of over dominance, visual intrusion and loss of light. Larger separation distances may be required due to the topography of the land (see diagram 1), while smaller separation distances are achievable and normally found within town centres or historic areas.

- 2.34 **IVM 034** supports the proposed justification and amplification behind Separation Distance and Amenity and notes the inclusion of: *"...normally a minimum distance of 20 metres between facing windows of habitable rooms in the interests of privacy..."*. This minimum distance of 20metres reflects current guidance set out within Creating Places and **IVM 034** welcome the consistency that has been applied between it and that now proposed in the DPSD.

- 2.35 However, whilst broadly supportive of this aspect of ***Draft Policy HOU2*** it should be noted that there are numerous examples in which reductions in guidance distances has still resulted in a quality residential scheme. Therefore, the wording of the policy must be flexible enough to use these distances as a starting point, but allow for instances, where on balance, reductions in these distances will still deliver a quality residential scheme. The use of the word 'normally' within the justification and amplification is therefore welcomed and must be retained.

**Submission of Representation on behalf of IVM 034 - Lands at Clady
Mid Ulster District Council (MUDC) Local Development Plan 2030
Draft Plan Strategy Document**

- 2.36 In addition, clarity should be provided within the justification and amplification of the policy on what is considered to be a 'habitable room'. It is often considered that a habitable room is a kitchen/dining room or living room/playroom, but that it does not include bedrooms. This allows for amenity impacts to be properly considered against the location of habitable rooms as opposed to bedrooms which have a lesser impact upon amenity in terms of overlooking.

Recommendation

- 2.37 The use of the word 'normally' within the justification and amplification must be retained and clarity should be provided within the justification and amplification of the policy on what is considered to be a 'habitable room'. In providing such clarification **IVM 034** believe it would provide greater consistency and coherence to the draft policy bringing it in line with soundness tests **C3 (Consistency)** and **CE4 (Coherence and Effectiveness)**.

***Meeting the Needs of All – Provision of a Mixture of House Types and Tenures
(paragraphs 7.26 and 7.27)***

- 2.38 This sets out MUDC's policy for affordable housing and requires:

"In residential developments of 50 units or more or on sites of 2 hectares and over, social housing should be provided at a rate not less than 25% of the total number of units. This policy will apply where a need for social housing has been identified by the relevant strategic housing authority until such times that the Local Policies Plan brings forward sites with key site requirements addressing social housing needs. It is not possible to be definitive as to social housing need over a 15 year period as it changes as a consequence of economic factors and inward migration.

On sites of 25 units or more or on sites of 1 hectare and over, there should be a mix of house types to cater for the needs of all families and small households, providing access for all".

- 2.39 We note that the above policy is an interim measure until such times that the Local Policies Plan brings forward sites with Key Site Requirements addressing social housing needs. It is also understood that the above policy will only apply where a need for social housing has been identified by the relevant strategic housing authority.

**Submission of Representation on behalf of IVM 034 - Lands at Clady
Mid Ulster District Council (MUDC) Local Development Plan 2030
Draft Plan Strategy Document**

2.40 As such this interim approach would appear to be consistent with the SPPS which states at its paragraph 6.143 that:

"The HNA/HMA undertaken by the Northern Ireland Housing Executive, or the relevant housing authority, will identify the range of specific housing needs, including social/affordable housing requirements. The development plan process will be the primary vehicle to facilitate any identified need by zoning land or by indicating, through key site requirements, where a proportion of a site may be required for social/affordable housing. This will not preclude other sites coming forward through the development management process".

2.41 It is considered that the policy is appropriate as an interim measure. However, it is considered that the later part of the policy which states *"...to cater for the needs of families and small households..."* is superfluous to the overall thrust of the policy.

Recommendation

2.42 The latter part of the policy which states: *"...to cater for the needs of families and small households..."* should be removed from the policy as it is superfluous. Its removal will not weaken the policy. In making such an amendment, **IVM 034** believe it would provide greater consistency and coherence to the draft policy, ensure flexibility, and bring it in line with soundness tests **C3 (Consistency)** and **CE4 (Coherence and Effectiveness)**.

Provision of Adequate Public and Private Open Space (paragraphs 7.31 to 7.33)

2.43 This sets out MUDC's policy for provision of public and private open space in housing developments. Paragraph 7.31 states:

"As a general rule for all residential developments over 25 units or sites of 1 hectare or more, a minimum of 10% of the site area should be allocated to public open space which is adequately equipped, landscaped and well-design to form an integral part of the proposal".

2.44 **IVM 034** is supportive of this wording given it is consistent and in line with current guidance on such matters.

**Submission of Representation on behalf of IVM 034 - Lands at Clady
Mid Ulster District Council (MUDC) Local Development Plan 2030
Draft Plan Strategy Document**

2.45 Paragraph 7.33 states:

"Residential developments will be expected to provide adequate garden areas for new housing with a rear garden depth to be not less than 10 metres thus contributing to adequate amenity and separation".

2.46 It is believed that this aspect of ***Draft Policy HOU2*** fails to satisfy the test of **C3 (Consistency) CE4 (Coherence and Effectiveness)** in that the policy does not align with current guidance on separation distances (it is more restrictive than that set out within Creating Places which stipulates at its paragraph 7.16 ***"...a minimum of around 10m..."***) nor does it incorporate an appropriate degree of flexibility to allow for instances where a 10metre requirement cannot be met, but a high quality development could still be achieved.

Recommendation

2.47 This aspect of ***Draft Policy HOU2*** should be reworded to state:

"Providing adequate garden areas for new housing with a rear garden depth of around 10 metres".

2.48 This will still keep the majority of gardens to this size, but will allow for flexibility in instances and house types that have rear gardens, and which do not warrant such a sized garden. For example, some single households or social housing schemes only require a small garden to provide space for some private amenity and minimal storage requirements. In the latter example, the provision of larger gardens, which are then not maintained and looked after, can result in amenity impacts for residents and visitors alike.

2.49 Such amended wording would take account of existing guidance and provide for flexibility in application of the policy and ensure compliance with the tests of **C3 (Consistency) CE4 (Coherence and Effectiveness)**.

Submission of Representation on behalf of IVM 034 - Lands at Clady
Mid Ulster District Council (MUDC) Local Development Plan 2030
Draft Plan Strategy Document

Section 10.0

Urban Design (pages 99-102)

Draft Policy UD1 – Urban Design

- 2.50 **Draft Policy UD1 – Urban Design** sets out the main considerations that MUDC will take into account in assessing proposals for development within all settlements within the District.
- 2.51 Whilst the provision of an urban design policy is supported in broad terms, there are queries over the soundness of the policy in terms of **CE1 (Coherence and Effectiveness)** in relation to when a Design and Access Statement ('D&AS') is required to accompany a planning application.
- 2.52 **Draft Policy UD1 – Urban Design** states:

"Development will need to be of a high standard to accord with the Plan. Developers will be expected to demonstrate where appropriate through a Design and Access Statement that the proposal respects:

- ***the urban context taking into account any natural features of the landscape and the overall setting in which the development is introduced.***
- ***the best local traditions of form, materials and detailing to complement the urban grain and character of the settlement;***
- ***the height, scale and form of surrounding buildings;***
- ***the public realm, providing adequate public and private open space and landscaping and is designed to foster natural surveillance, promote personal safety and deter crime".***

[our underlining emphasis]

- 2.53 The policy does not specifically identify when a D&AS will be necessary, nor does it clarify the term 'where appropriate' within the policy text box. Potentially, in reading **Draft Policy UD1** as it currently stands, it could be construed to only apply where a D&AS is required in line with legislation (i.e. for an application which is a major development; or where any part of the development is in a designated area, development consisting of – (i) the provision of one or more dwelling houses, or (ii) the provision of a building or buildings where the floor space created by the development is 100sq.metres or more).

**Submission of Representation on behalf of IVM 034 - Lands at Clady
Mid Ulster District Council (MUDC) Local Development Plan 2030
Draft Plan Strategy Document**

2.54 The justification and amplification behind the policy does provide some clarification in that it specifies at paragraph 10.11 that a D&AS will be necessary to demonstrate that proposals of height over 3 storeys are of high-quality design and will enhance the area. However, paragraph 10.17 goes on to states:

"Provided that the correct approach to design is followed the production of such a document is not considered to be onerous on the part of the applicant and the D&AS can be a useful tool in the determination process"

2.55 This indicates that MUDC potentially see a D&AS being required in other instances, but does not indicate what these are.

2.56 The lack of clarity or coherence on the matter is further noted given that elsewhere in the DPSD at paragraph 7.38 it states:

"In order to achieve quality residential developments, applicants will be encouraged to provide Design and Access Statements (D&AS) over and above what is required in legislation".

2.57 Here the DPSD indicates that a D&AS will be encouraged over and above what is required in legislation.

2.58 In light of the above, it is unclear whether the DPSD aims to:

- encourage provision of a D&AS over and above what is required in legislation (as per its paragraph 7.38);
- specify specific instances in which a D&AS is required over and above what is required in legislation (***Draft Policy UD1*** would allude to this, but does not ultimately confirm it); or
- specify that a D&AS is required for all forms of development?

2.59 This lack of clarity has implications in relation to what development ***Draft Policy UD1 – Urban Design*** will apply to, i.e. is it just applicable to development where a D&AS is required or applicable to all forms of development? Clearly, there is a lack of coherence within the DPSD on this issue as it currently stands and; hence, as a result, cannot be considered to be sound.

Recommendation

- 2.60 The DPSD is inconsistent and unclear on when a D&AS will be required and in doing so the applicability of the proposed **Draft Policy UD1** is also unclear.
- 2.61 It is recommended that MUDC review its position in relation to D&AS's. Clarification and specific details must be provided on when and in relation to what types of development a D&AS will be required by MUDC. This detail must be provided as part of any final Policy UD1 and/or as part of the DPSD. In doing so, **IVM 034** believe it would ensure the policy is in line with soundness test **CE1 (Coherence and Effectiveness)**.

Section 11.0

Open Space, Recreation and Leisure (pages 105 to 113)

Draft Policy OS2 - Protection of River Corridors (page 109)

- 2.62 **Draft Policy OS2** provides for the protection of river corridors. It states:

"Proposals on sites adjacent to a main river will conflict with the plan unless it has been demonstrated that all the following criteria are met:

- a) a biodiversity strip of at least 10 metres from the edge of the river is provided and accompanied with an appropriate landscaping management proposal;***
- b) public access and recreation provision is provided where appropriate;***
- c) there is no unacceptable adverse impact on nature conservation;***
- d) the proposal will not compromise or impact on the natural flooding regime of the main river and complies with the requirements Flood Risk Policy; and***
- e) any development would not prejudice an existing or future opportunity to provide a riverside walk".***

- 2.63 It is believed that **Draft Policy OS2** fails to satisfy the test of **CE4 (Coherence and Effectiveness)** in that the policy, in particular, the requirement for at least a 10metre biodiversity strip, does not incorporate an appropriate degree of flexibility. It is noted that there is no justification or evidence for the proposed 10m distance within the MUDC '*Open Space, Recreation and Leisure Policy Review Paper - April 2015*' and it would appear to be an arbitrary figure.

**Submission of Representation on behalf of IVM 034 - Lands at Clady
Mid Ulster District Council (MUDC) Local Development Plan 2030
Draft Plan Strategy Document**

Recommendation

- 2.64 Given the lack of suitable justification provided to substantiate the proposed 10 metre distance, this aspect of **Draft Policy OS2** should be reworded to remove the minimum distance of 10metres.
- 2.65 By removing the minimum distance, the policy will not be weakened, and a biodiversity strip will still be required. Site specific parameters will assist in dictating an appropriate biodiversity area, along with protection of nature conservation interests and public access to the river in question.
- 2.66 In amending the policy to address this issue it will provide a greater degree of flexibility in the application of the policy whilst also retaining the requirement for a biodiversity strip and bring the proposed draft policy in line with test **CE4 (Coherence and Effectiveness)**.

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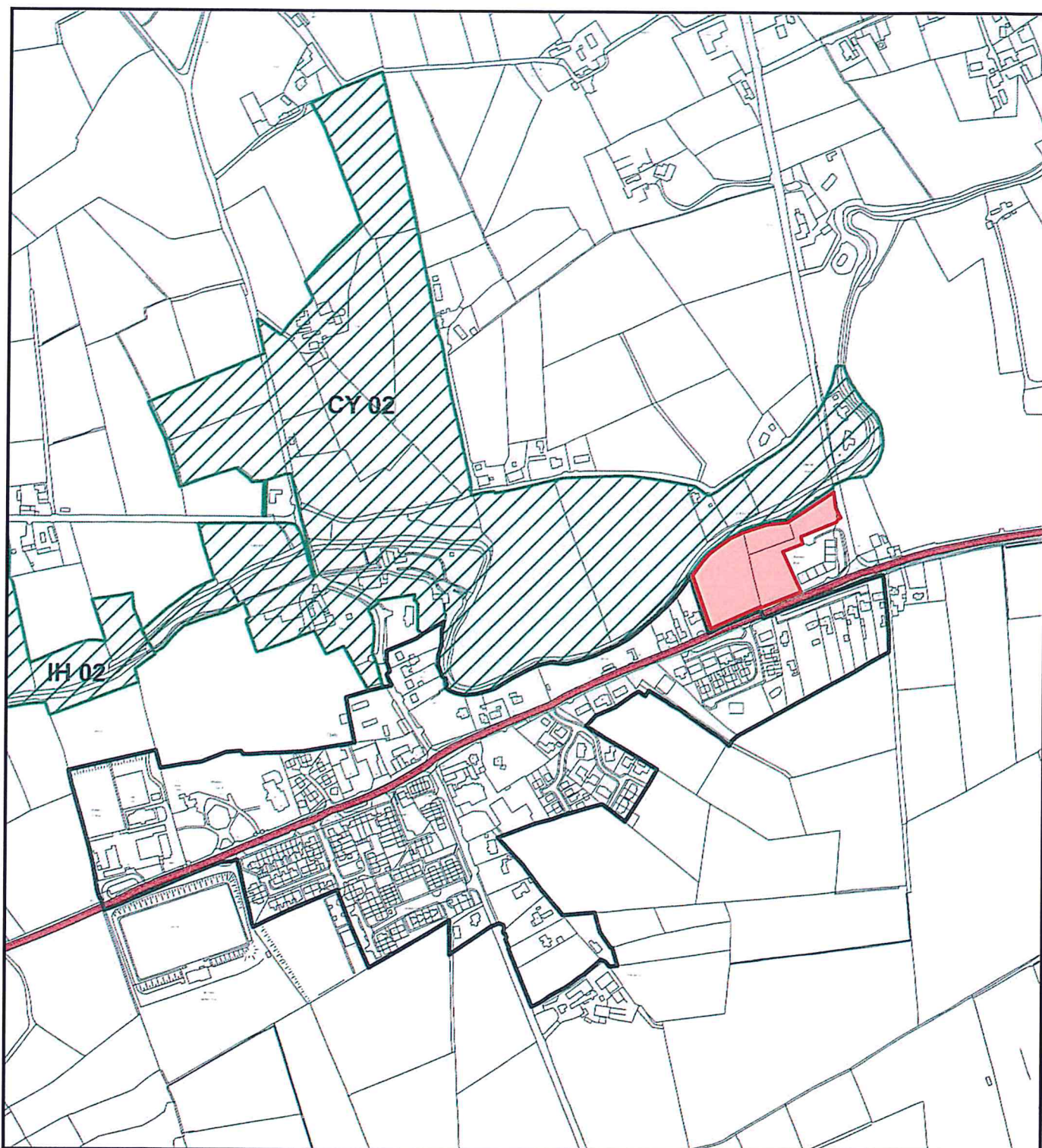
3.0 Conclusions

- 3.1 **Section 10(2) of the Planning Act (Northern Ireland) 2011** (the 'Act') advises that the Council must not submit a plan to the Department for independent examination unless: (a) it has complied with any relevant requirements contained in regulations under Part 10 of the Act and, (b) it thinks the document is ready for independent examination.
- 3.2 Whilst **IVM 034** are broadly supportive of the DPSD, given the issues set out within this submission and concerns regarding the 'soundness' of the DPSD it is requested MUDC does not submit the DPS to the Department in its current form.
- 3.3 The identified inconsistencies and clarifications required, in our opinion, prevent MUDC from delivering a sound and lawful Local Development Plan.
- 3.4 In accordance with **Section 10(7)** of the Act, should MUDC submit the DPS in its current form to the Department for an independent examination, we request that **IVM 034** are given the opportunity to appear before and be heard at the examination.

Should you have any queries or require further information on the above please do not hesitate to contact us.

WYG Planning on behalf of IVM 034.

April 2019



Legend



- Site Location

**Site Location Plan
Lands at Clady.**



Scale: NTS

Job No: A089311

Date: April 2019