

**ANNEX B – Response Pro-forma**

**Name: CONOR COCHRANE**

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

**Original Representation Reference Number: MUDPS/169 (for administrative use only)**

**Please tick the applicable box below.**

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

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

c) I confirm that I wish for my original representation to be withdrawn and that I no longer wish to make a representation.

**Signature**



**Date:** .....16/03/2020.....

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

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

**Sinead McEvoy**

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**From:** Gavin Rolston [REDACTED]  
**Sent:** 19 April 2019 15:23  
**To:** DevelopmentPlan@midulstercouncil.org  
**Subject:** Representation to Mid Ulster draft Plan Strategy  
**Attachments:** MU dPS Rep Housing Matter 30 Gortgeade Rd, Upperlands.pdf  
  
**Importance:** High

Dear Sir / Madam,

Please find enclosed a representation on behalf of our client, Burke Construction, to the recently published draft Plan Strategy.

We would be grateful if you could confirm receipt by return.

Kind regards,

*Gavin Rolston*  
Planning Director

**CLYDE SHANKS**

5 Oxford Street Belfast  
BT1 3LA

Tel: 02890434393

Mob: [REDACTED]

[www.clydeshanks.com](http://www.clydeshanks.com)

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

**BY E-MAIL**

18<sup>th</sup> April 2019

Our Ref: Matter 30

E: [REDACTED]

Dear Sir/Madam,

**REPRESENTATION TO LOCAL DEVELOPMENT PLAN (LDP) – LANDS AT GORTGEADE ROAD, UPPERLANDS**

**MID ULSTER DISTRICT COUNCIL**

**MUPOP/276**

We write on behalf of our client Burke Construction, in relation to the Council's recently published draft Plan Strategy. This letter relates to the strategic theme of housing, and provides commentary on our client's site at Gortgeade Rd, Upperlands. We have also for completeness attached a copy of our client's representation to the Preferred Options Paper as the points it raises remain valid.

**Growth Strategy and Spatial Planning Framework**

*Spatial Planning Framework*

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

Rather, due to the simplistic, equitable split approach to allocating housing across the settlement hierarchy and countryside, and the very substantial over-subscribing of housing identified in large part due to existing committed developments, the proposed allocations will encourage a dispersed pattern of settlement and place undue pressure on the countryside from a landscape, environmental and infrastructure perspective.

The disconnect between the strategy and the figures in Appendix 1 is most stark in relation to the HGI. The HGI for Mid Ulster is identified as 11,000 houses pro-rata over the plan period to 2030. However, when the actual capacity of



settlements and equitable split of the HGI as identified in Appendix 1 is tallied with the 40% housing in the countryside it results in a total of 19,074 dwellings. This is over 170% of the HGI.

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

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

It is clear that there is a need for the Council to follow through on its strategy and make difficult decisions on where to reduce growth in order to genuinely seek to achieve sustainable patterns of development. In our view this must start with a significant reduction in housing allocated to the countryside, and that this must be delivered through the provision of more restrictive area-specific or district-wide rural housing policies. Without flowing through on these matters the dPS is at present unsound.

#### Site Specifics

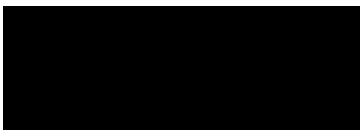
The site specific points outlined in our submission to the POP, which is attached, remain valid.

#### Summary

We would respectfully request that our client's lands located at Gortgeade Rd, Upperlands are brought within the SDL of Upperlands and retained as whiteland in the emerging Local Development Plan for the reasons outlined above and in the attached POP submission.

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

Yours Sincerely,



Conor Cochrane  
Senior Planner

cc. Reagalmac Ltd  
Encs. MUPOP/276





**Preferred Options Paper  
Representation Form**

Ref:
Date Received:
(For official use only)

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

**SECTION A**

1. Personal Details      2. Agent Details

Title	Mr.	Clyde Shanks Ltd
First Name	T.	Gavyn
Last Name	Burke	Smyth
Job Title (where relevant)	-	Senior Planner
Organisation (where relevant)	Burke Construction	Clyde Shanks
Address Line 1	C/O Agent	5 Oxford Street
Line 2	-	Belfast
Line 3	-	-
Line 4	-	-
Postcode	-	BT1 3LA
Telephone Number	C/O Agent	02890434393
Email Address	C/O Agent	[REDACTED]

**SECTION B**

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

2. To which part of the POP does your representation relate?
- (i) Page Number (s) – 21 to 24, 134, 135 & Appendix 2
  - (ii) Subject (s) – Housing Growth [Upperlands] & Housing Allocation
  - (iii) Policy Ref (s) – Page 134 & 135
  - (iv) Map Name (s) – N/A

#### **A. Introduction**

Mr. Burke is a landowner who owns lands to the east of Upperlands, stretching north-westwards from the Gorteade Road. This site is positioned 75 metres to the south of Ardtara Country House and occupies an area of approximately 0.38 ha, which is adequately sized to accommodate 5 dwellings.

#### **B. Purpose**

Include lands within the SDL of Upperlands for housing in the new plan period.

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

#### **C. Strategic Matters**

Mr. Burke acknowledges that this first stage of the LDP relates to 'strategic' issues but that MU Council has welcomed site specific representations now. Mr. Burke further acknowledges that the location of the site is outside the settlement development of Upperlands. It is also acknowledged that the Council has stated that there is no requirement for additional housing to be located in Upperlands for reasons that the number of committed & residual units & still to be developed outweighs the number of units required to 2030.

#### **D. Site Specific Matters**

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

The settlement of Upperlands under the Magherafelt Area Plan 2015 and was defined as a Small Settlement whereas under the MU POP this identifies that the settlement has been upgraded to village status.

It is set out under Appendix 2 of the MU POP that there are 52 dwellings committed/residual but that the number of dwellings required to 2030 amounts to 50. We would request that the Council re-examines these figures as there does not appear to be as many dwellings committed as set out above. Having undertaken a planning history search of the approved sites some of the approved developments do not appear to have been implemented/brought forward and would now be lapsed. Many of the permissions granted for housing was prior to the recession and mostly because of this these sites have not been brought forward. It is believed that the residual and committed figure is an over estimation based on analysing realistic development sites and densities appropriate to this rural village.

Under the PAC reference 2004/A235 the appeal decision for 5 units on the site was dismissed. However, it is important to note that the only matter the application was dismissed on was of prematurity as the draft Magherafelt Area Plan 2015 was at the time at an advanced stage with the site located outside the settlement development limit whereas the existing statutory Magherafelt Area Plan was located inside the non-statutory limits of Upperlands.

In the PAC decision paragraph 7.5 the Commission explained that “approval of this appeal would create a wide ranging precedent for the amount and distribution of housing growth across the district, but only within the towns and villages. Accordingly, I judge that the issue of prematurity/prejudice to the development plan process should override the provisions of the current MAP.” Other matters concerning site specific issues were therefore deemed to be acceptable by the Commission including matters such as the site capacity for 5 dwellings, the setting of listed buildings and impact on historic gardens.

Consequently, the settlement development limit should be extended to include this site as the landowner is still interested in bringing it forward for development and for it to be built out. The site is on the edge of the existing settlement development limit adjacent to other existing built development. This is a modestly sized site capable of delivering 5 dwellings, which benefits from good visibility splays.

The Mid Ulster Position Paper Strategic Settlement Evaluation 2015 sets out that “Information contained in the housing allocation paper would suggest that there is a small housing need in Upperlands. Figures from the 2014 housing monitor show that there is the potential for 61 units to be completed within the settlement limit. **Therefore a small expansion to the existing development limit for the purpose of housing may be required.**”

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

Signature:  on behalf of Clyde Shanks

Date: 27 January 2017

You are encouraged to provide your comments via email to the following email address:

[DevelopmentPlan@midulstercouncil.org](mailto:DevelopmentPlan@midulstercouncil.org)

Or to the following postal address:

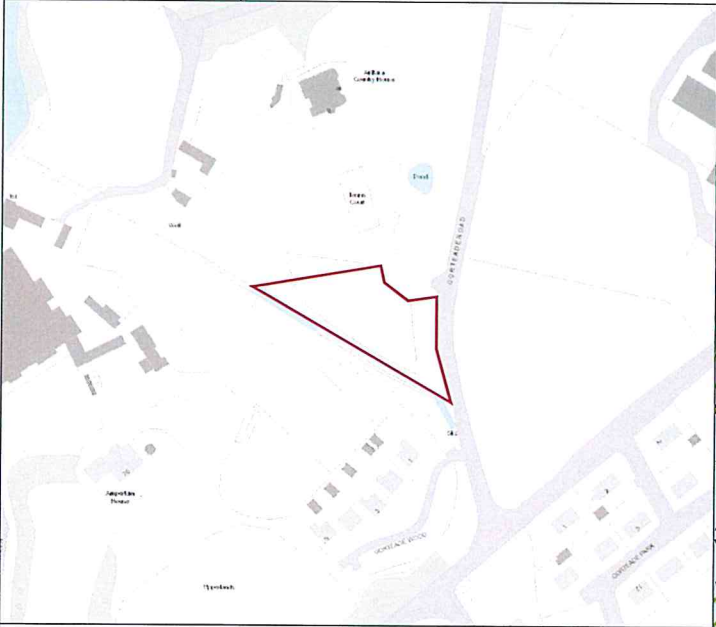
Dr Chris Boomer  
Mid Ulster Area Planning Manager  
Magherafelt Council Office  
50 Ballyronan Road  
Magherafelt  
Co L Derry  
BT45 6EN

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



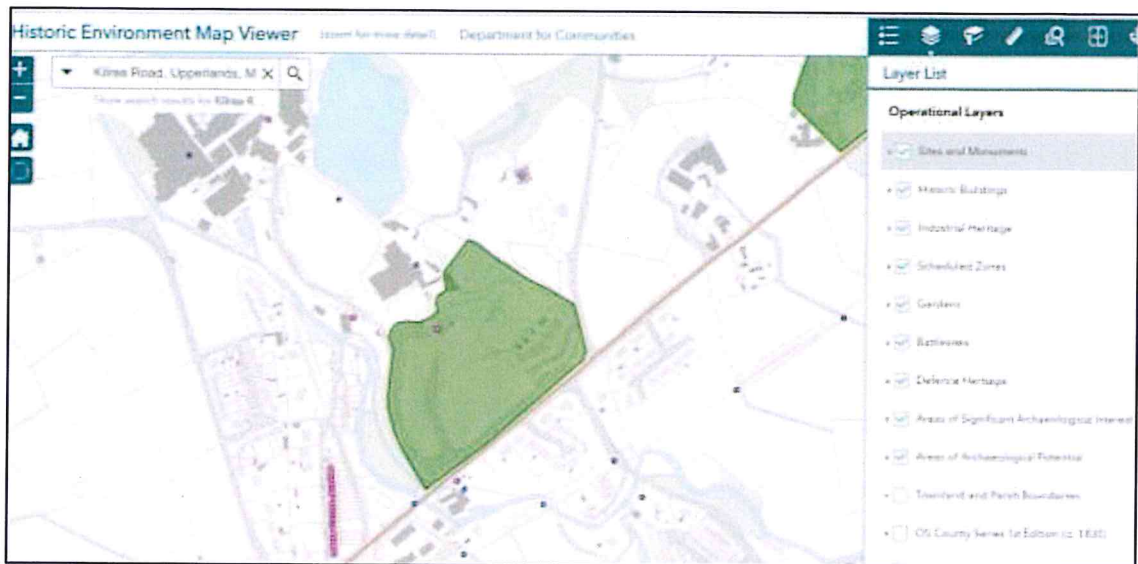
## ANNEX 1 – ENVIRONMENTAL MATRIX

Site Context/Environmental Matrix	
Proposal	Land for residential use
Site area (red)	0.38ha
Access	Gorteade Road
Topography	Flat
Boundaries	Trees along eastern boundary
WWTW's capacity	Available
Potential Yield	5 units

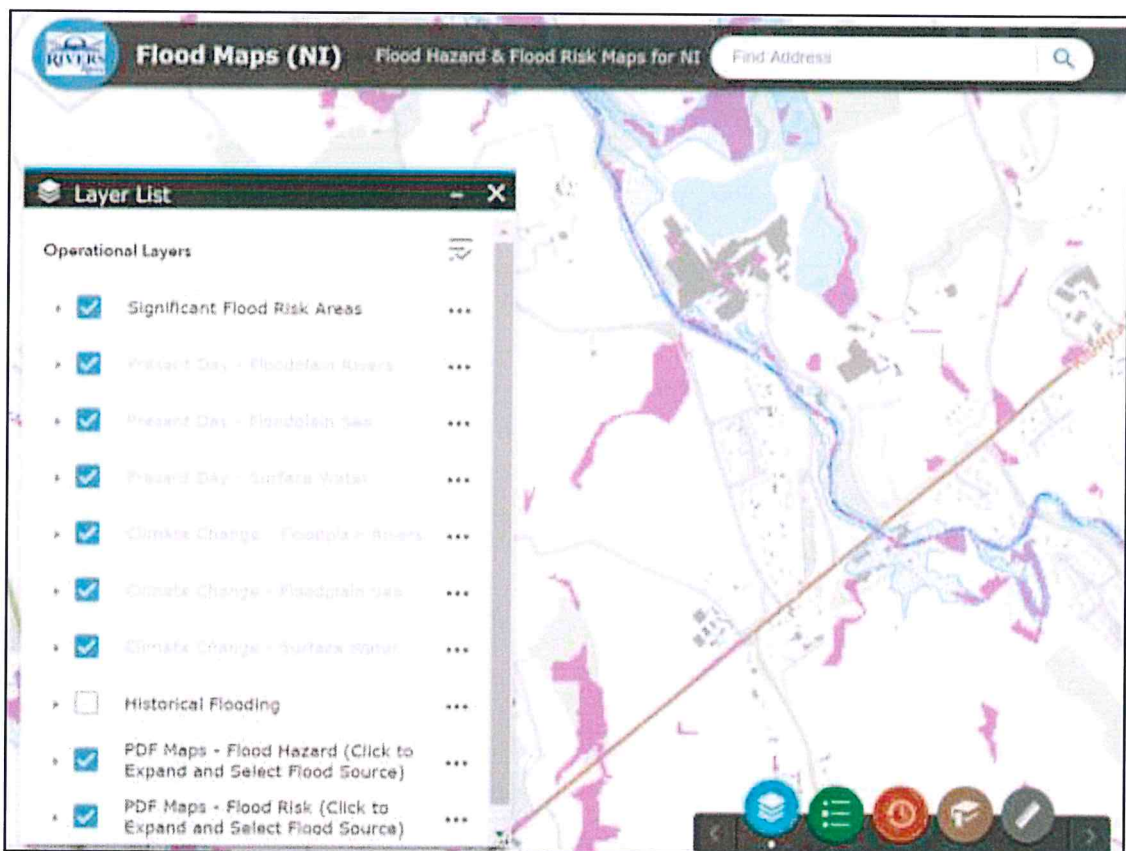


Lands at Gorteade Road, Upperlands - Development Plan Representation Map

## ANNEX 2 – HERITAGE & FLOOD MAP



- B
- Built heritage map – no site constraints concerning built heritage but adjacent to historic gardens. Listed buildings to north and west.



- No surface water or fluvial flooding constraints