

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 24th September 2020 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 Agent | 15 Cleaver Park Malone Road Belfast |
| Line 2 | | |
| Line 3 | | |
| Line 4 | | |
| Post Code | | BT9 5HX |
| Telephone Number | | |
| 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 2 & SPF 9
- (iv) Policy ECON 1, ECON 2, MIN6 TRAN 1
- (v) Proposals Map DECON 6 & DEIB02
- (vi) Site Location Dungannon

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>).

Soundness Test No.

C3 & CE4

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 Report

(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 Report

(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:

Area Plan Objection

Objection to Mid Ulster Local Development Plan 2030 – Draft Plan Strategy

Objection made by: Inaltus Limited

Objection Made on behalf of : Brickyard Developments Ltd

Date: September 2020

**Site: Lands between A29 Carland Road/Cookstown
Road/Rossmore Road and 48 Coalisland Road, Dungannon.**

Designation: N/A

Policy: SPF 2, SPF 9, MIN 6, ECON 1, ECON 2 & TRAN 1

Paragraphs: 2.7; 3.3; 3.4; 3.15; 4.12-4.14; 4.52-4.54; 12.1; 12.2; 12.8; 12.10; 23.7; 23.9 & 23.10.

Map: 1.3 Dungannon Economic Development Zones

Zonings: DECON 6 and DEIB02

Summary

- S.1 Our client welcomes the inclusion of their lands in the dPS as zoning D ECON 6. However given the critical nature that these lands have in providing additional economic development land in Dungannon (when such land is in scarce supply) and given the critical importance that these lands have in delivering a key piece of transport infrastructure (being the first part of the Dungannon bypass linking Coalisland Road and Carland Road/Cookstown Road), we request the Council zone an additional 11ha of lands located north of the new link road.
- S.2 This will:
- provide flexibility for the Council in ensuring an ample supply of economic development land;
 - make best use of former mineral and industrial land;
 - provide the best economic return for the strategic investment in the road by releasing lands to support the development of the road;
 - make best use of the strategic investment by releasing lands either side of the road for economic development use. Only releasing lands on the southside of the road limits the benefits of this infrastructure;
 - encourages increased economic development in north Dungannon and encourages stronger links between the economic development in Mid Ulster with these lands located on the strategic transport route to Cookstown;
 - bring previously used brownfield land within the settlement limits; and
 - support the designation of a defensible settlement boundary to the north.
- S.3 In order for the dPS to be sound it needs to C3 – take account of policy and guidance issued by the Department and CE4 - be reasonably flexible to deal with changing circumstances.
- S.4 The dPS will be sound if it zones the full extent of our clients lands on the basis that it will have due regard to the Strategic Planning Policy Statement and Planning Policy Statement 4 Economic Development by providing an ample supply of economic

development land and will provide flexibility by giving more scope for lands in north Dungannon to meet the significant demands for economic development land in the area. Also given the dPS is likely to be the Local Development Plan for Dungannon for beyond its stated end date of 2030 there is a requirement that the Council designate lands that provide economic development use beyond 2030. Zoning the additional lands at Carland Road will help provide this flexibility.

Introduction

1. This objection is made in response the Mid Ulster Council draft Plan Strategy (dPS) and the dPS comments/designation on lands of the former brickworks located between the A29 Carland Road/Cookstown Road/Rossmore Road and Coalisland Road, Dungannon.

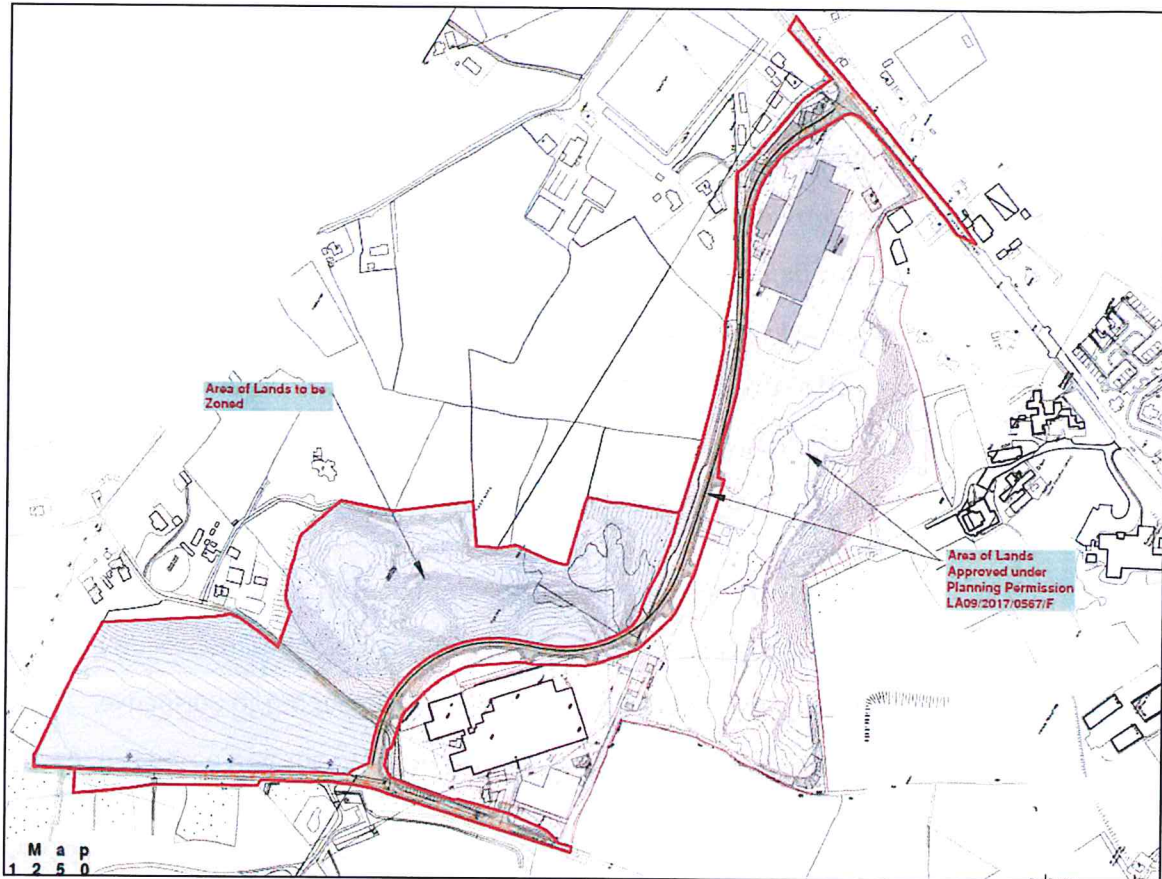
The Site

2. Our client’s lands are shown in the aerial image below. It can be seen that they extend from Coalisland Road to Cookstown Road and comprise a substantial linear development of lands including a variety of sheds and areas of open storage.



Brickworks Site / Brickyard Developments Ltd Lands

3. The Map below shows the approved route for the new link road and the approved area of industrial and commercial uses. The Map highlights the area of additional lands that we are requesting to also be included in the dPS zoning D ECON 6.



Approved Link Road, Approved Commercial Lands and Proposed Zoning Lands

4. The proposed link road should be shown in the dPS. This would help inform the users of the planning system of the likely existence of a road that links Cookstown and Coalisland Roads.

Planning History and Established Land Use (Appendix 1)

5. The site benefits from two recent extant planning permissions.
6. **Planning permission LA09/2017/0567/F** granted permission for an *extension to existing factory and provide additional space and office accommodation, engineering works to re-contour ground levels and other ground works including retaining structure to provide serviced industrial and commercial sites. Construction of a new through road linking Coalisland Road to Carland Road and associated right hand turning lane including realignment of Rossmore Road.*

7. The Case Officer Report for this development acknowledged that there are issues around the supply of industrial land in Dungannon and that land already zoned for industrial development has had issues in coming forward for development, and that there is a lack of industrial land to accommodate the level of industry in the area.
8. The Case Officer also acknowledges that the lands of the subject site were not of any particular interest or importance. The Case Officer also notes that the site falls under permission M/1975/0438 which is an old minerals permission and there was no restoration plan for the site, and that the proposal to regrade the site, broadly falls within the conditions imposed under the old minerals consent and that such works improve the overall appearance of the area. The Case Officer found that given the planning history of the site and the current condition of the land and the lack of any other potential to have the site restored it was considered appropriate to allow the site to be levelled and the factory extended and the retaining structures provided.
9. The Case Officer stated that the link road will provide an overall benefit by reducing traffic congestion at Thomas Street roundabout, and improves the alignment of existing accesses on to Carland Road.
10. It is noted that the Case Officer found that the link road was not required to allow the expansion of the factory or the restoration works. No conditions are imposed on this application requiring the link road to be provided (the link road is a condition precedent under the separate application LA09/2017/1407/O).
11. The Case Officer also notes that *“Members will be aware of the need for investment in the infrastructure around Dungannon and the lack of public funding coming forward. In this case the developer has indicated they are willing to provide a link road between Coalisland Road and Carland Road. Roads Engineers have advised this will improve the overall traffic situation in Dungannon by upgrading the access from the site to Coalisland Road, reduce the traffic using Thomas Street roundabout which will have a knock on positive impact on traffic progression through Thomas Street roundabout as it will improve the flow of traffic, reduce waiting and queuing times; improve air quality*

at Thomas Street roundabout and provide benefits to the economy which freer moving traffic will generate”.

12. The Case Officer has been very clear that the site brings significant benefits for Dungannon as a whole, and these benefits will not come forward by public spending.
13. **Planning permission LA09/2017/1407/O** approved outline permission for the construction of industrial and commercial units on serviced sites. This permission was granted on 3rd January 2019 and requires reserved matters to be submitted by the end of 2021. This site overlaps with part of the lands approved under LA09/2017/0567/F. This permission includes Condition 4 which requires the link road to be provided before the commencement of development on this site.
14. The Case Officer report reiterates the point that there are issues with the supply of industrial land in Dungannon. It notes that there is a deficit of industrial land to serve the town of Dungannon. Again this site falls under the old minerals permission M/1975/0438. Allowing the outline application in association with LA09/2016/0567/F would ensure restoration of the area with the land being brought back into some use.
15. In granting these applications the Council are clearly in favour of the benefits of these applications because they:
 - Restore old mineral lands;
 - Tidy up the lands which have no significant environmental merits;
 - Provide an important road infrastructure project;
 - Reduce traffic congestion in Dungannon; and
 - Provide for economic development land which Dungannon is currently lacking.
16. It is unsurprising and indeed welcome that the Council identify the approved lands for industry and business use.

Policy Context

17. The former brickworks are in the countryside on the edge of Dungannon as defined in the Dungannon and South Tyrone Area Plan (DSTAP).

18. PPS 4 Planning and Economic Development para 4.3 states *'development plans will aim to ensure that there is an ample supply of suitable land available to meet economic development needs within the plan area, and will seek to support job creation by identifying and protecting a portfolio of the most appropriate job creation opportunities'*.
19. PPS 4 para 4.19-4.21 sets out the requirements of the Council in preparing development plans. Council's are required to estimate the amount and location of land required to ensure an ample supply of suitable land is available to meet economic needs; set out the range of acceptable uses in designated areas for economic development and set out action needed to assist delivery of economic development.
20. The SPPS para 6.92-6.96 largely reiterates PPS 4. SPPS para 6.92 notes that *"A fundamental role for LDPs is to ensure that there is an ample supply of suitable land available to meet economic development needed within the plan area. To this end LDPs should zone sufficient land for economic development over the plan period. In discharging this function, LDPs should offer a range and choice of sites in terms of size and location to promote flexibility and provide for the varying needs of different types of economic activity"*.
21. PPS 4 policy PED 4 Redevelopment of an Established Economic Development Use in the Countryside is noteworthy in this case. This policy applies to major developed sites presently or formerly in industrial use, whether they are redundant or in continuing use, whose complete or partial redevelopment may offer the opportunity for environmental improvement and promotion of job creation without adding to their impact on the amenity of the countryside. PPS 4 policy includes an exception to policy where alternative uses can be considered on former economic development land. The dPS should recognise that there would be exceptional cases for alternative uses on the brickworks site should circumstances permit.
22. SPPS para 6.87 reaffirms this position stating that *"appropriate redevelopment and expansion proposals for industrial and business purposes will normally offer the greatest scope of sustainable economic development in the countryside"*.

23. The Council have rightly recognised that the urban edge location of the brickworks could be redeveloped as a countryside redevelopment project, and it is prudent to bring these lands within the settlement limit to provide a plan led approach to their redevelopment. Our clients agree with this approach, but consider the full extent of the lands should be included and not have part of their land outside the settlement.

Regional Policy Interpretation

24. Strategic policy invites a flexible approach to industrial sites such as the brickworks.

25. We therefore consider the Council should provide increased flexibility in what would form an appropriate re-use of these lands. The planning permissions referred to in the dPS provide a helpful starting point for the delivery of these lands.

26. However the full permission for the link road only lasts for 5 years (while the outline permission could last longer depending on the timing of the reserved matters application/permission), and with the impacts of changes to the economy (for example the current economic changes resulting from Covid-19) and the long term strategic nature of the LDP, it would be prudent to include flexibility in the LDP that confirms that these lands would be acceptable for economic development outwith the fact that the lands benefit from two extant planning permissions. The fact that the permissions exist is supporting information, however the LDP policy and designation should confirm that the lands are suitable for economic development use and such development will be granted subject to satisfying any key site requirements.

27. Given the history of the site, as former industrial lands, they should benefit from the positive policy approach set out in PPS 4 policy PED 4. This invites alternative complementary uses for the site.

dPS Comments in Support of the Proposal Site

28. The dPS makes repeated notable comments about the need for key transport infrastructure in Mid Ulster and in Dungannon and the need for increased economic development land. These key themes support the inclusion of our client's additional

lands and it is helpful to set out some of the comments made in the dPS to illustrate this point:

- Para 2.7 notes that the A29 which runs throughout Northern Ireland from north to south, is the spine of the District and the main transport corridor. The A29 connects the 3 main towns in the District, or what may be referred to as the three main “hubs” (i.e. Cookstown, Dungannon and Magherafelt).

The proposal improves access to the A29.

- Para 3.3 notes that *‘we see Mid Ulster District retaining its role as a key industrial centre outside of Belfast with a strong engineering and agri-food base. We also recognise the role of mineral assets and are eager that they are not just extracted from but also processed in Mid Ulster with our aggregates exported to other areas’*.

The proposal is a former minerals site and its location is ideally suited to accommodate industry that processes aggregates.

- Para 3.4 notes that *“key to achieving this vision is ensuring our farms and rural businesses remain strong and continue to attract investment. That businesses are linked by excellent communications both in terms of roads infrastructure and the provision of good quality telecommunications and broadband are also key to our vision”* [emphasis added].

Providing the link road will deliver an excellent communications link in north Dungannon.

- Para 3.7 notes that *“The three towns will also be better linked enabling them to act as a cluster for services and as the key drivers to our economy ... Our Plan will promote and encourage the upgrade and creation of key road transport links”*

within the District and to other parts of the region, and in particular the A2 and by-passes around Dungannon and Cookstown”[emphasis added].

The approved link road can form a key component of the Dungannon bypass.

- Para 3.15 The Plan objectives include the following:
 - “To facilitate the creation of at least 8,500 new jobs by 2030 at a variety of locations where they are accessible to all members of the community, including those without a private car;
 - *To promote diversity in the range of jobs on offer recognising the importance of employment in the primary sector (agriculture, forestry and mining), secondary sector (industry and manufacturing) and tertiary sector (administration, commerce, retailing, leisure and tourism);*
 - *To recognise and accommodate entrepreneurship, innovation for large, medium and small firms by attracting new firms and accommodating expanding businesses;*
 - To improve connectivity between and within settlements and their rural hinterland through accommodating investment in transportation to improve travel times, alleviate congestion and improve safety for both commercial and private vehicles as well as more sustainable modes of transport including buses, walking and cycling”. [emphasis added]

The Council’s jobs requirement of 8,500 new jobs is a minimum by 2030 and given the LDP may extend beyond 2030, there is a case that this minimum should allow for a further 5 years of industrial lands to allow for the time lag between the LDP expiring and the new LDP being adopted.

- The Strategic Planning Framework seeks to deliver these objectives by (SPF 2) focusing growth on the three main hub towns including Dungannon.

The proposal to grow industrial land in Dungannon is hindered by the fact that lands at Granville are Invest NI lands and are not available to non Invest NI businesses. The proposal site will be available and suitable to any economic development business.

- Para 4.12 notes that Dungannon's role will be strengthened as an economic hub, meaning protecting existing economic zonings and providing economic zonings within them to ensure the creation of 8,500 new jobs over the plan period through the provision of at least 170 hectares of economic development land distributed equitably across the three towns at a variety of locations suitable for a mixture of economic uses. Appendix 1 shows Dungannon is allocated 60ha of Economic Development land.

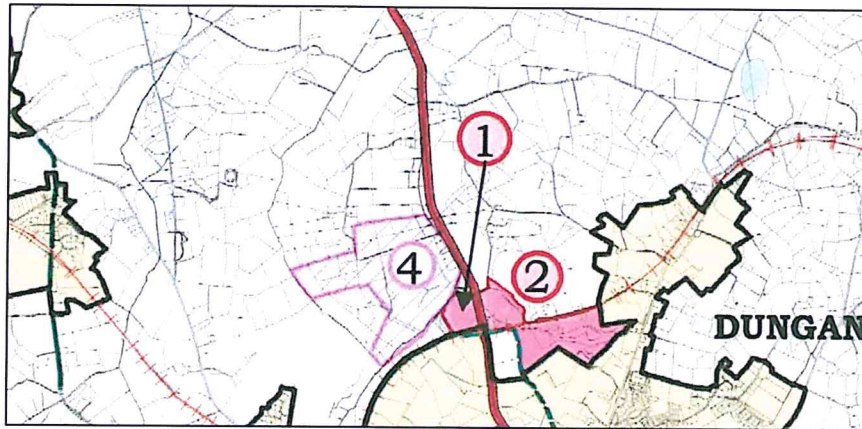
Our clients seek an additional 11ha of lands north of Dungannon. Assuming 60ha are required for the period 2019-2030, this implies a requirement of 5.45ha per annum. Allocating the additional lands will provide a further 2 years of flexible supply giving the Council flexibility should a new LDP not be available for Dungannon until 2032.

- Para 4.13 notes that a generous supply of economic development should be maintained across the life of the Plan and where uptake of industrial land is high additional land will be zoned in the Local Policies Plan or at plan review.

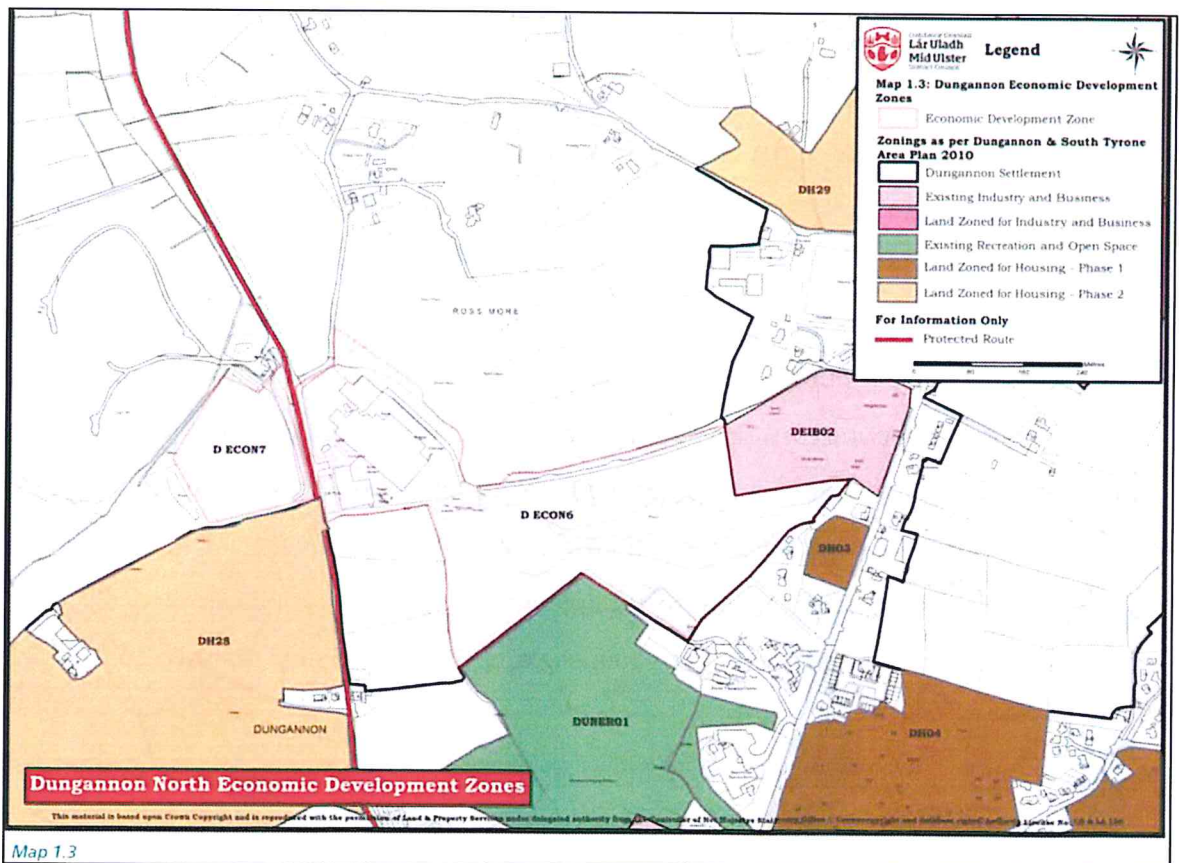
Allocating the proposed lands now will give confidence to the owners of a significant proportion of the industrial lands for Dungannon to embark upon the investment for a critical aspect of the Plan - the delivery of the link road network upgrade around Dungannon.

- Para 4.14 states *"In recognition of the shortage of economic development in Dungannon an additional interim supply has been identified at Dungannon and Granville. Maps 1.2-1.3 identify the sites and Key Site Requirements identify those issues to be addressed in respect of each. The sites are also identified on the wider District Proposals Map"*.

The lands proposed are an interim allocation, however our client considers their additional lands should be included given the longer term requirements of Dungannon. Extracts of the dPS Maps are below for ease of reference.



Extract of District Proposal's Map



Copy of Map 1.3

- dPS page 53 identifies Zone D Econ 6 – Land at Cookstown Road. This is identified as an economic development zone. It advises that planning permission has been granted for this site under planning references LA09/2017/0567/F and LA09/2017/1407/O and the developer is required to meet the conditions set out in these permissions.

We do not consider this the appropriate manner to deal with these zoning. The Council should recognise the lands are suitable for economic development use and that proposal's for economic development use on these lands (and any other uses considered to be an exception under regional policy) to be compliant and consistent with the Plan. The planning history of the site is a noteworthy matter and this should be provided in the supporting text, but should not form a central aspect of the designation or any key site requirement.

- SPF 9 seeks to facilitate improvements to the A29 which acts as the transportation spine and link between Mid Ulster's hubs and other trunk roads crossing the District.

The proposal provides one aspect of these improvements.

- Para 4.52 advises that *"For the three hubs of Cookstown, Dungannon and Magherafelt to act as a cluster it is essential that travel times between these settlements are reduced. This means there is a need to bring forward improvements to the A29 and A31"*.

The proposal provides a new link road and we expect it will form one aspect of these improvements.

- Para 4.53 notes *"We remain committed to the provision of a by-pass around Cookstown and Dungannon and will use our powers to protect any road line identified for development"*. [emphasis added]

The proposal provides a new link road and we expect it will form one aspect of the bypass.

- Para 4.54 notes *“We also recognise that as opportunities arise, new road schemes such as road widening, straightening and provision of overtaking lanes will also encourage improvement connectivity and help people move across the District quicker in order to connect with the south west and north west transport corridor but also directly to Dublin and the north coast. The importance of improvement to the A29 should not be underestimated as it is critical to address the existing problems of heavy traffic choosing rural routes along the lough shore in order to avoid congestion in Cookstown and Dungannon”*. [emphasis added]

The proposed link road will help relieve congestion in Dungannon.

29. In terms of economic development the dPS states:

- Para 12.1 *“in order to cater for our growing population, Mid Ulster will require the creation of 8,500 new jobs. This will be achieved by ensuring that there is an adequate supply of economic land available in our towns and through the application of this economic planning policy”*;
- Para 12.2 states that the majority of economic land will not be designated until the Local Policies Plan. But given the immediate need for economic land in Dungannon, additional zoned economic land is included in this Strategy as an interim measure.

Our client considers that to ensure there is ample supply of industrial land now in Dungannon their additional 11ha of land should be included in the dPS zoning. This would ensure that irrespective of the length of time it takes for the Local Policies Plan to be adopted Dungannon north would have ample zoned industrial land available.

- Para 12.8 advises that *“The SPPS also encourages a move towards the re-use of previously used economic buildings along with the integration of economic development and other appropriate land uses such as housing and transport”*.

The reuse of the former brickworks and the provision of the link road is a prime example of this integration between zoned land and infrastructure delivery.

- Para 12.10 advises that *“Our strategic approach to economic development is to provide approximately 170 hectares of economic lands across the three hubs of Cookstown, Dungannon and Magherafelt at a variety of locations suitable for a mixture of uses. This will come in the form of an equitable split within each of the settlements benefitting from approximately 55-60 hectares each. With the exception of Dungannon, the locations of these zonings will be identified in the Local Policies Plan”*.

Our client welcomes this approach, however consider that the special case made for Dungannon to have land zoned now also justifies the 11ha of land on the north side of the brickworks site to be introduced now in the dPS.

- It is noted that Policy MIN6 permits development of former mines and lands surrounding mines where it is demonstrated that there are no health and safety risks due to land instability.

As a former minerals area the restoration and redevelopment of the former brickworks site brings with it material planning benefits. The additional lands to be zoned for industry would also benefit from the environmental improvements that will be provided.

- Para 23.7 notes *“A key objective of improving the road network will be facilitated by the development of the Strategic Road Network (the A29-A31, A4, A5 and A6) including by-passes for the three main hubs”*.

Again the proposal is wholly consistent with this.

- Para 23.9 states *“Our approach for transportation is to facilitate a strategy that suits the needs of Mid Ulster as a rural District. The guiding principle is a focus on improving connectivity for both rural and urban dwellers. This will be centred on by-passes around the three main towns, and the villages of Moneymore and Moy, with a focus on improving the A29 spine road. The success of clustering services across our hubs is dependant on improving connectivity and reducing travel time. Critical to this are new by-passes for Cookstown and Dungannon. In turn this will reduce congestion in the town centres making them safer and better environment for shopping and economic activity”*. [emphasis added]

Again the proposal is wholly consistent with this.

- Policy TRAN 1 - New Roads and Road Improvement Schemes states that Proposal’s which will prejudice the development of a by pass or other transportation scheme will conflict with the Plan.

The proposal will facilitate the new by pass. It would be consistent with this proposed policy approach.

- Para 23.10 states *“We will continue to work with Central Government so that new road schemes can be brought forward, particularly a Dungannon by-pass. We will also adopt a similar approach to protecting any road line, identified around Dungannon, or any other identified route or other transportation schemes brought forward by Central Government. These will be subject to a separate inquiry/examination independent of the Plan. Where a scheme is brought forward the Local Policies Plan will identify them for information purposes and this will be up dated where appropriate at review stage”*. [emphasis added]

In the absence of Government money the Council will look to private sector investment. In order for new roads to be commercially viable to be built the private

sector needs alternative lands to be developed to support infrastructure investment. Notwithstanding the requirement to building the road (a significant investment in its own right) our client is releasing a significant proportion of their own land to be taken up by the new link road. That land itself has development value which is lost if the road is built. The proposal to increase the zoning of the additional brickworks lands will help make the delivery of the link road economically viable.

Consideration

30. We welcome the Council’s decision to provide special status to these lands and consider our client’s lands to be a key component in the Council’s land use strategy for Dungannon over the next decade. However we consider further policy changes are needed.

31. As mentioned above, it is noted that the planning permission LA09/2017/0567/F is granted for a period of 5 years. The dPS is expected to run until 2030 and probably longer. It would be prudent that the dPS sets out that the proposed zoning will remain for the duration of the dPS rather than simply make reference to the planning permission. As stated above the dPS should refer to the planning permissions as part of supporting text. The designation should confirm that economic development on the lands (including the Council’s proposed zoning and our client’s additional lands) would comply with the Plan.

32. As it stands, if the planning permission was not implemented within the 5 years of the approval, the dPS will be placed in a position in the second half of its lifetime as out of date as it would include a zoning but no live permission on which it can be implemented. This would leave the dPS inflexible as there would be no policy or guidance as to how the zoning within the dPS should be implemented.

33. Further it should be acknowledged that the delivery of a part of the link road which will form part of the Dungannon By pass will be delivered through the release of additional economic development lands. For this to be a viable approach adequate lands should be available to fund the road works. The provision of the extensive link

road will be costly and allocating the additional lands would be a prudent approach. Leaving the lands outside the zoning means the applicant could seek their redevelopment under PPS 4 policy PED 4. This could allow redevelopment of these lands with no relationship to the link road. It is therefore important for the consistent and orderly development of the lands that they are zoned as part of Zoning D ECON 6. This provides clarity for developers. As shown above the lands are of limited environmental value and redeveloping them for industry which would allow for their restoration would provide planning gain in environmental terms.

34. Moreover, allocating the lands is:-

- wholly consistent with the Council’s recognition that economic development land in Dungannon is in deficit; and
- there is an need for the early release of additional economic development lands;

35. These lands are ideally located to support a variety of the Council’s objectives namely:

- supporting critical infrastructure;
- relieving congestion;
- integrating economic development use and transport improvements;
- environmental restoration of former mineral lands;
- consolidating Mid Ulster’s manufacturing role providing a location that will be ideal for aggregates processing; and
- strengthening the economic links between Dungannon and Cookstown.

36. Moreover, the zoning should incorporate a degree of flexibility should alternative land uses come forward over the plan period that would suit a location on the edge of the town, on a former industrial site such as this.

37. Excluding part of the brickworks land from the settlement limit merely undermines efforts to bring forward suitable regeneration of the site. The Council’s dPS policy ECON 2 – Economic Development in the Countryside, seeks to control and curtail economic development in the Countryside. If the brickworks was brought wholly

within the settlement limit of Dungannon, it would benefit from a less restrictive planning policy control and would be more commercially attractive to economic development investment.

38. The SPPS para 6.93 would support this approach as it states “*Where appropriate, LDPs should identify previously developed land within settlements for potential economic development use. This will return vacant or underused land to productive use and to create more attractive environments*”.

Tests of Soundness

C3 - take account of policy and guidance issued by the Department

39. The Council are required to have an ample supply of land for economic development. At present the Council accepts it has a deficit in industrial land and there is a need for the interim release of lands in Dungannon. However the development of that land is linked to the delivery of a new link road. In order for the link road to be viable, adequate economic development lands should be associated with it to be released for development. The alternative is that if it is not economically viable for the private sector to develop the link road because there is inadequate return on the investment from the associated economic development lands the deficit in economic lands would persist and the Council could lose economic investment from the area.

40. As such failure to zone ample lands in north Dungannon will undermine the Council’s supply of economic lands and the Dungannon area will potentially remain in deficit.

CE4 – It is reasonably flexible to enable it to deal with changing circumstances

41. The Council needs to ensure that there is sufficient lands zoned in north Dungannon to meet the needs of industry in the area as well as ensuring that adequate lands are available to ensure that the development of the link road occurs. The costs of a major new link road in the future are highly unpredictable and in order to incentivise the delivery of this critical aspect of the Council’s policy, the dPS should include in-built

flexibility to allow additional economic development to come forward that can help fund the delivery of the road, and further generate employment which in turn boosts the economic stability of the Council area, sustains employment and reduces unemployment, boosting Mid Ulster’s economic performance and generating rates for the Council as well as delivering on the Council’s long term strategy of synergy between the three main hub towns.

42. As it stand the dPS merely reflects the grant of a planning permission. The dPS does not add to the already extant permission. The dPS has a wider role and providing an allowance for the additional lands and confirming the long term suitability of these lands for economic use is a more appropriate use of the dPS. It would provide the flexibility required in uncertain economic times.

What is Needed to Make the Plan Sound?

43. To make the Plan sound, the lands north of the approved link road should be included within the Settlement Limit of Dungannon and the designation D ECON 6 and the dPS should state as follows:

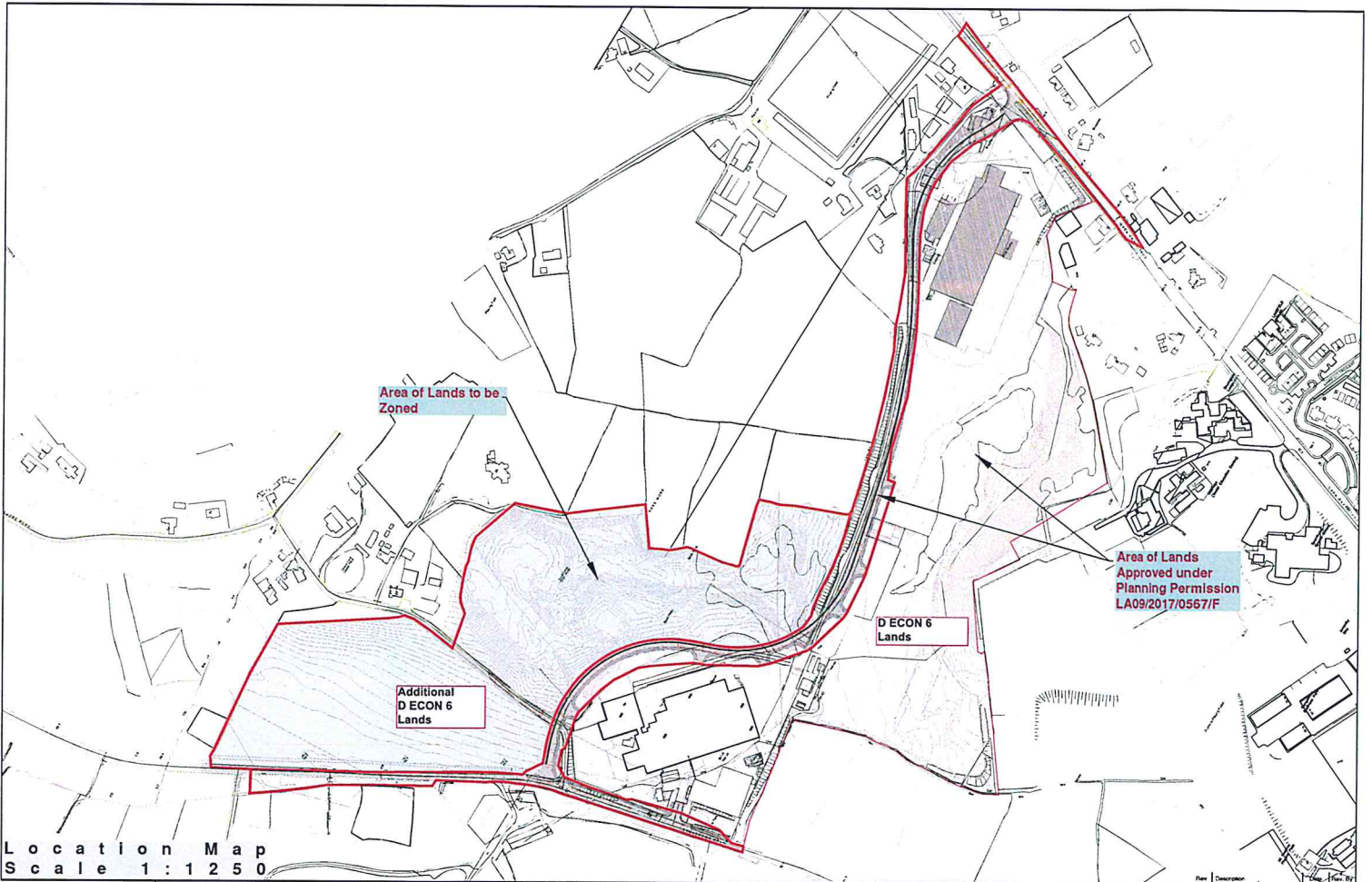
Zone D ECON 6 – Land at Cookstown Road

In Dungannon the former brick works site is identified in this Plan as a mixed use opportunity site for industry, commercial and other economic mixed used development and complementary uses. The extent of the site is illustrated on the plan below. Proposals for economic development and commercial use (or any complementary uses) on these lands will be in compliance with the Plan and will be positively considered.

A key site requirement for the delivery of some of these lands may involve the provision of a new link road between Coalisland Road and Carland Road.

For information planning permission has granted for part of this site under planning references LA09/2017/0567/F and LA09/2017/1407/O. Those permission provide a variety of conditions that can form the basis of the development of these lands.

Map of Brickworks



Location Map
Scale 1 : 1 2 5 0

- NOTES
1. This drawing is subject to Planning Approval
 2. This drawing is subject to Building Control Approval
 3. This drawing is subject to a specific building and use class
 4. The information in this drawing remains valid until the expiry of the planning permission of the site.

Project Title
Lands Between Cookstown Road
& Coalisland Road,
Dungannon 27

| Stage | Project No. | Draw. No. | Rev. | Scale |
|-------|-------------|-----------|------|--------|
| 2 | 2008 | | | 1:2500 |

Drawing Title
Location Map

| Status | Date | Drawn | Checked By | Client |
|---------|--------|-------|------------|----------------------------|
| Concept | Jun 20 | MAG | JAM | Brickyard Developments Ltd |

Unit 1, 23 Dunmore Road, Dungannon, Co. Tyrone
 TEL: 02827 71240 FAX: 02827 71261
 email: info@clarman.com

Appendix 1



APPROVAL OF PLANNING PERMISSION

Planning Act (Northern Ireland) 2011

Application No: **LA09/2017/0567/F**

Date of Application: **13th April 2017**

Site of Proposed
Development:

**Lands at and between 48 Coalisland Road and 11
Cookstown Road
Dungannon (Former Tyrone Brick Works Site) including
lands at Rossmore Road and Cookstown Road.**

Description of Proposal:

**Extension to existing factory to provide additional
production space and office accommodation, engineering
works to re-contour ground levels and other ground works
including retaining structure to provide serviced industrial
and commercial sites. Construction of a new through road
linking Coalisland Road to Carland Road and associated
right hand turning lane including realignment of Rossmore
Road.**

Applicant: **Maximus Crushing and Screening**
Address: **48 Coalisland Road**
Dungannon
BT71 6LA

Agent: **Clarman and Co.**
Address: **Unit 1**
33 Dungannon Road
Coalisland
BT71 4HP

Drawing Ref: **01Rev1, 05Rev3, 06Rev1, 12Rev1, 13, 19, 21, 25Rev1, 30, 32Rev3,
33Rev2, 34Rev2, 35Rev2, 36, 38Rev1, 40Rev1, 41**
Planning Doc: **Landscape Management Plan, Noise Impact Assessment (June 2018)**

Mid Ulster District Council in pursuance of its powers under the above-mentioned Act
hereby

GRANTS PLANNING PERMISSION

for the above-mentioned development in accordance with your application subject to
compliance with the following conditions which are imposed for the reasons stated:



1. The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.

Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.

2. Prior to operations commencing within the factory extension or occupation of the offices hereby approved, the works necessary for the improvement of the A45 Coalisland Road including visibility splays and the proposed new link road between the proposed new factory access and the Coalisland Road, shall be provided in accordance with the details on drawing No 32Rev3 bearing the stamp dated 03-DEC-2018. The area within the visibility splays shall be cleared to provide a level surface no higher than 250mm above adjoining road and kept clear thereafter.

Reason: To ensure that satisfactory access arrangements are in place to serve the development.

3. Prior to operations commencing within the factory extensions or occupation of the offices hereby approved the parking and turning areas as shown on drawing no 32Rev3 bearing the stamp dated 03-DEC-2018 shall be provided and permanently retained for parking and turning purposes only.

REASON: To ensure that adequate provision has been made for parking, servicing and traffic circulation within the site.

4. Prior to the link road hereby approved becoming operational;
i) the access improvements onto A45 Coalisland Road and detailed on drawing no 32Rev3 bearing the stamp dated 03-DEC-2018, and
ii) the provision of the right hand turning lane and alterations to A29 Carland Road and the realignment of Rossmore Road, as detailed on drawing No 35Rev2 bearing the stamp dated 03-DEC-2018 shall be provided as detailed and shall be permanently retained.

Reason: To ensure that road works considered necessary to provide a proper, safe and convenient means of access to the development are carried out.

5. Prior to the new access onto the A29 Carland Road becoming operational the existing access onto the A29 Carland Road from Rossmore Road shall be permanently closed up as indicated over the section of road shaded blue on drawing Nos 40Rev1 and 41 bearing the stamp dated 13-DEC-2018.

Reason: In order to minimise the number of access points onto the public road in the interests of road safety and the convenience of road users.

6. A Stage 2 Safety Audit shall be carried out prior to any works commencing on the existing road network and for the new road link and any recommendations implemented in accordance with the Design Manual for Road and Bridges HD19/15



Road Safety Audit Procedures.

Reason: To ensure that road works considered necessary to provide a proper, safe and convenient means of access to the development are carried out.

7. A Stage 4 Safety Audit shall be carried out prior to any phase of the road works becoming operational and a Stage 4 Safety Audit completed with recommendations implemented in accordance with the Design Manual for Road and Bridges HD19/15.

Reason: To ensure that road works considered necessary to provide a proper, safe and convenient means of access to the development are carried out.

8. Within the first available planting season following the occupation of the offices and extension to the factory hereby approved, the yard area shall be fenced off as detailed on drawing No 25 Rev 1 bearing the stamp dated 01 OCT 2018 and all landscaping shall be carried out as detailed. Any tree, shrub or other plant identified in the landscaping scheme dying with 5 years of planting shall be replaced in the same position with a plant of a similar size and species.

Reason: To ensure the provision of a high standard of landscape and for the purposes of bio-diversity.

9. All external doors to the proposed factory extensions shall remain closed at all times when the workshops are operational, except for the purposes of access or egress.

Reason: In the interests of residential amenity.

10. There shall be no deliveries to the site and/or external activity outside the hours of 07:00 hours and 18:30 hours Monday to Friday, 08:00 hours to 13:00 hours on Saturdays and no site activity on Sundays.

Reason: In the interests of residential amenity.

11. The doors to the proposed factory extensions shall be constructed and maintained at all times to provide a sound reduction R_w of at least 30dB as detailed in the Noise Impact Assessment Report dated 20th June 2018

Reason: In the interests of residential amenity

12. The walls to the proposed factory extensions shall be constructed and maintained at all times to provide a sound reduction R_w of at least 25dB as detailed in the Noise Impact Assessment Report dated 20th June 2018 and drawing No 12 Rev 1 bearing the stamp dated 23 AUG 2018.

Reason: In the interests of residential amenity



13. The roof to the proposed factory extensions shall be constructed and maintained at all times to provide a sound reduction Rw of at least 25dB as detailed in the Noise Impact Assessment Report dated 20th June 2018 and drawing No drawing No 12 Rev 1 bearing the stamp dated 23 AUG 2018.

Reason: In the interests of residential amenity

14. Within 4 weeks of a written request by the Planning Department, following a reasonable noise complaint the site operator shall, at their expense, employ a suitably qualified and competent person, to assess the level of noise immissions from the site and road at the complainants' property following the procedures in line with appropriate noise measurement guidance. Details of the noise monitoring survey shall be submitted to the Planning Department for written approval prior to any monitoring commencing.

Reason: In the interests of residential amenity

15. Should a complaint be justified, the operations causing the nuisance shall cease until such times as mitigation measures have been put in place to remedy the nuisance.

Reason: In the interests of residential amenity

16. The existing chimneys identified Chimney A and Chimney B on drawing No 25 Rev 1 bearing the stamp dated 01 OCT 2018 shall be permanently retained.

Reason: To preserve industrial heritage on the site.

17. The offices hereby approved shall be ancillary to the use of the factory and shall not be used for any other purpose.

Reason: To ensure road safety and accord with planning policy in relation to office development.

The Private Streets (Northern Ireland) Order 1980 as amended by the Private Streets (Amendment) (Northern Ireland) Order 1992.

PS1. The Department for Infrastructure has determined that the width, position and arrangement of the streets, and the land to be regarded as being comprised in the streets, shall be as indicated on Drawing Nos 32Rev3, 33Rev2, 34Rev2 and 35Rev2 all bearing the stamp dated 03-DEC-2018.

Under Article 3 of the above Order there is a requirement that such works shall be carried out in accordance with agreements under Article 3(4C) and Article 32.

Reason: To ensure there is a safe and convenient road system within the



development and to comply with the provisions of the Private Streets (Northern Ireland) Order 1980.

PS2. Prior to operations commencing within the factory extension or occupation of the offices hereby approved, the works necessary for the improvement of the A45 Coalisland Road including visibility splays and the proposed new link road between the proposed new factory access and the Coalisland Road, shall be provided in accordance with the details on drawing No 32Rev3 bearing the stamp dated 03-DEC-2018. The area within the visibility splays shall be cleared to provide a level surface no higher than 250mm above adjoining road and kept clear thereafter.

Under Article 3 of the above Order there is a requirement that such works shall be carried out in accordance with agreements under Article 3(4C) and Article 32.

Reason: To ensure there is a safe and convenient road system within the development and to comply with the provisions of the Private Streets (Northern Ireland) Order 1980.

PS3. Prior to the link road hereby approved becoming operational;
i) the access improvements onto A45 Coalisland Road and detailed on drawing no 32Rev3 bearing the stamp dated 03-DEC-2018, and
ii) the provision of the right hand turning lane and alterations to A29 Carland Road and the realignment of Rossmore Road, as detailed on drawing No 35Rev2 bearing the stamp dated 03-DEC-2018
shall be provided as detailed and shall be permanently retained.

Under Article 3 of the above Order there is a requirement that such works shall be carried out in accordance with agreements under Article 3(4C) and Article 32.

Reason: To ensure there is a safe and convenient road system within the development and to comply with the provisions of the Private Streets (Northern Ireland) Order 1980.

Informatives

1. When making this decision the Council has taken into consideration environmental information within the terms of the Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2015.
2. The developer's attention is drawn to the comments received from Northern Ireland Environment Agency, Rivers Agency, Historic Environment Division, Environmental Health and Roads. These are available to download from the planning portal.



The Private Streets (Northern Ireland) Order 1980 and The Private Streets (Amendment) (Northern Ireland) Order 1992.

3. Under the above Orders the applicant is advised that before any work shall be undertaken for the purpose of erecting a building the person having an estate in the land on which the building is to be erected is legally bound to enter into a bond and an agreement under seal for himself and his successors in title with the DfI Roads to make the roads (including road drainage) in accordance with The Private Streets (Construction) Regulations (Northern Ireland) 1994 and The Private Streets (Construction) (Amendment) Regulations (Northern Ireland) 2001. Sewers require a separate bond from Northern Ireland Water to cover foul and storm sewers.

4. The developer, future purchasers and their successors in title should note that DfI Roads will not adopt any 'street' as defined in The Private Streets (Northern Ireland) Order 1980 as amended by the Private Streets (Amendment) (Northern Ireland) Order 1992 until such time an Article 161 agreement between the developer and NI Water for the construction of foul and storm sewers including any attenuation holding tanks and discharge pipes has been fully implemented and works upon completion approved by NI Water Service .

5. Under the terms of The Private Streets (Construction) (Amendment) Regulations (Northern Ireland) 2001, design for any Street Lighting schemes will require approval from DfI Roads Street Lighting Consultancy, Marlborough House, Central Way, Craigavon, BT64 1AD. The Applicant is advised to contact DfI Roads Street Lighting Section at an early stage. The Applicant/Developer is also responsible for the cost of supervision of all street works determined under the Private Streets Order (Northern Ireland) 1980.

6. It is a DfI Roads requirement that all structures which fall within the scope of the current version of BD 2 Technical Approval of Highways Structures: Volume 1: Design Manual for Roads and Bridges shall require Technical Approval. Details shall be submitted to the Technical Approval Authority through the relevant Division.


7. All aspects of the Highway design and construction shall be in accordance with the current relevant standards of the Design Manual for Roads and Bridges.

8. Geotechnical activities which require Geotechnical Certification shall be submitted to Engineering Policy and Parking Services through the relevant Division. Geotechnical Certification shall be in accordance with the Department for Infrastructure's Geotechnical Certification procedures as laid down in the current version of HD 22 Managing Geotechnical Risk: Volume 4: Design Manual for Roads and Bridges.



9. The developer should note the presence of mine shafts in the vicinity of the new road link and that will require to be addressed if in close proximity to the proposed road

Dated: 3rd January 2019

Planning Manager, 

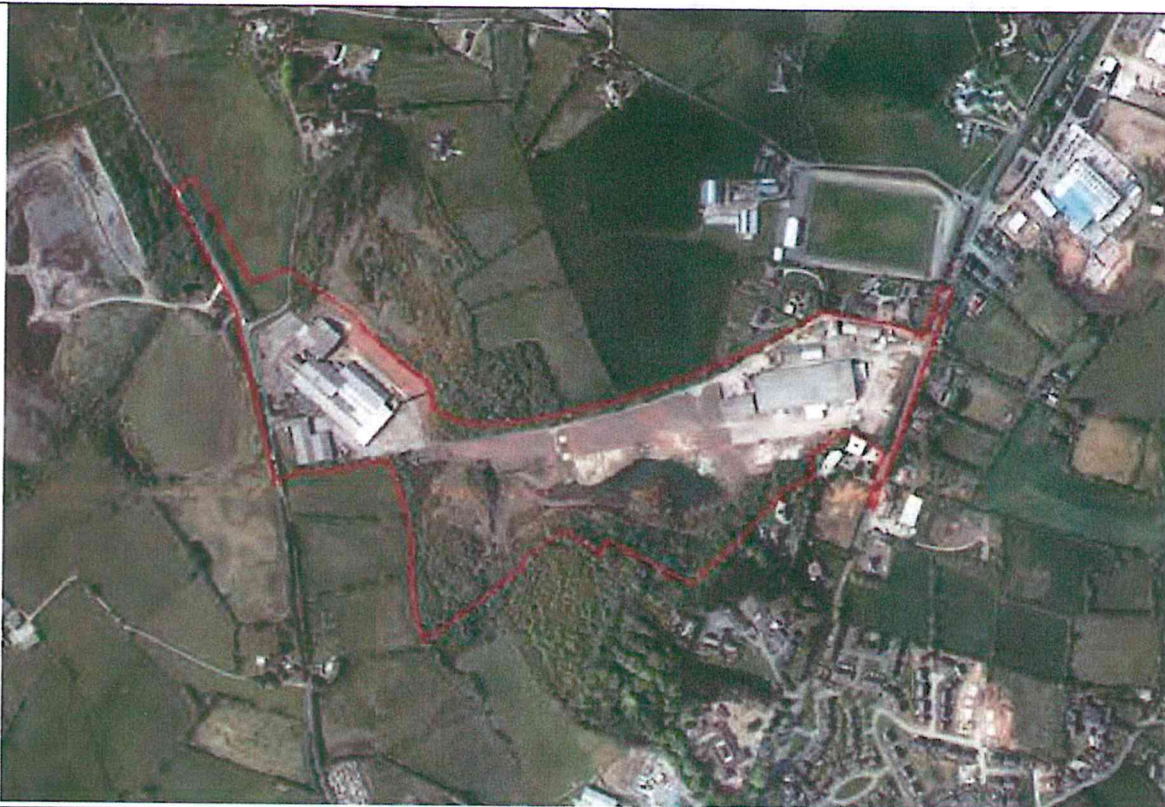


Development Management Officer Report Committee Application

| Summary | |
|--|---|
| Committee Meeting Date: | Item Number: |
| Application ID: LA09/2017/0567/F | Target Date: |
| Proposal: Extension to existing factory to provide additional production space and office accommodation, engineering works to re-contour ground levels and other ground works including retaining structure to provide serviced industrial and commercial sites. Construction of a new through road linking Coalisland Road to Carland Road and associated right hand turning lane including realignment of Rossmore Road. | Location: Lands at and between 48 Coalisland Road and 11 Cookstown Road Dungannon (Former Tyrone Brick Works Site) including lands at Rossmore Road and Cookstown Road. |
| Referral Route: Major Development Proposal Exception to planning policy in relation to expansion of business. | |
| Recommendation: | Approval |
| Applicant Name and Address: Maximus Crushing and Screening 48 Coalisland Road Dungannon BT71 6LA | Agent Name and Address: Clarman and Co. Unit 1 33 Dungannon Road Coalisland BT71 4HP |
| Executive Summary: The proposal involves the removal of buildings that have an industrial heritage interest but are not listed or historic monuments to allow the provision of a new road linking Carland Road to Coalisland Road to address traffic congestion problems at Thomas Street Roundabout. The existing factory will be extended which brings the development closer to some existing dwellings and part of the site is outside of the defined settlement limits for Dungannon. Overall the proposal will have benefits for Dungannon that outweigh the loss of buildings and increased impact on amenity of dwellings. | |
| Signature(s): | |

Case Officer Report

Site Location Plan



Consultations:

| Consultation Type | Consultee | Response |
|-------------------|---|---|
| Statutory | NIEA | Content, attach conditions and in formatives |
| Statutory | DFI Roads - Enniskillen Office | Road would be adopted and maintained |
| Non Statutory | Environmental Health Mid Ulster Council | Conditions could mitigate against impact |
| Statutory | Rivers Agency | Advice details of attenuation |
| Non Statutory | DETI - Geological Survey (NI) | Advice – some mine shafts appear on database |
| Statutory | Historic Environment Division (HED) | Content with Listed Building, consider retaining chimneys and offices |
| Statutory | Health & Safety Executive for NI | No longer COMAH site |
| Non Statutory | Shared Environmental Services | Unlikely to have significant impact on European Species |

| Non Statutory | Invest NI | No Objection |
|---|-----------------------|--------------|
| Representations: | | |
| Letters of Support | None Received | |
| Letters of Objection | None Received | |
| Number of Support Petitions and signatures | No Petitions Received | |
| Number of Petitions of Objection and signatures | No Petitions Received | |
| Summary of Issues | | |
| Part of the development is outside the settlement limits for Dungannon, there is a new road to link Carland Road and Coalisland Road, expansion of existing factory close to existing residential development, loss of historic fabric (not listed buildings or historic monuments) | | |
| Characteristics of the Site and Area | | |
| <p>This application site comprises the former Tyrone Brick Works site that sits between Carland Road and Coalisland Road, on the north side of Dungannon, it also includes some additional land on Rossmore Road and Carland Road. The site has substantial buildings on both sides of the site fronting onto Carland Road (approx. 13,000sqm) and Coalisland Road (approx. 10500sqm). The buildings are generally large warehouse type structures with grey cladding to the wall and roofs. There are 2no brick chimneys within the site and on the Coalisland Road entrance there are a number of single storey brick built office buildings and a car parking area. The site is generally a flat valley with higher ground rising to the south and north and sits well below the level of the Coalisland Road. To the south is the grounds of Drumglass House, a listed building and DHSS site which has mature vegetation around it as well as private dwellings off a private lane that also has some commercial development along the boundary with the application site. To the north west is open countryside and gorse covered hillside and north east are private dwellings access off a private laneway, with Edendork GAA club to the rear of the them. On the opposite side of Carland Road is a quarry and there is an old railway bridge under the road at the south west corner of the site. On the opposite side of Coalisland Road are private dwellings, individual and in a private development as well as existing industrial lands to the north and a former filling station.</p> | | |
| Description of Proposal | | |
| <p>The proposal involves demolition of a number of industrial sheds and brick built offices on the Coalsiland Road side of the site, extensions to the existing factory on the Coalisland Road side of the site, ground works to level out the former quarry and storage yards including provision of retaining structures. The proposal also involves the provision of a new road linking Coalisland Road with Carland Road.</p> <p>The buildings to be demolished are 2 sheds with Belfast truss roofs, 1 shed which has a grey finished walls and low pitched roof and group of brick built offices at the entrance to the site.</p> <p>It is proposed to extend the factory to provide approx. 4700sqm of new production area and staff canteen facilities in 2 extensions: 23m x 88m x 8.9mhigh to the north and 22m x 128m x 12.75m to the south. These extensions will each have 3 roller doors facing north and south, they will have parapet walls facing Coalisland Road finished with grey wall panels and high level windows, the sides will have grey panels to the roof and upper walls and smooth render to the bottom of the walls.</p> | | |

The proposal also involves a 2 storey extension to the front of the factory to provide approx. 970sqm of office space, a reception area, meeting and conference rooms, staff facilities and storages areas. This extension will have a mix of finishes with smooth render walls, clay brick walls and grey cladding in different panels, it also has large glazed areas to the drawing offices and conference room topped with cantilevered grey panelled roofs linked by a central flat roofed portion.

Parking facilities are proposed to be moved from the existing high level car park off Coalisland Road and what is the current storage area at the front of the factory, this will accommodate 104 car parking spaces.

The proposed road is approx.. 1km in length and is situated along the north part of the site and links from the existing factory entrance on the Coalisland Road to the Rossmore Road. The road will involve the removal of the existing car park on Coalisland Road to allow road widening to provide a slip road and new footpaths on the Coalisland Road side. The Carland Road is to be widened to provide a right hand turning lane, Rossmore Road is also to be widened and the new road will have priority over Rossmore Road. The road will provide a number of new access points along its length to facilitate future development of lands subject to a separate application, LA09/20171407/O for outline permission for industrial purposes. This application includes ground works to level out the former quarry by cutting and filling the ground, regrading of banks and provision of up to 6m high Terramesh retaining structures, (concrete grass walling system) along the south boundary of the site.

Planning Assessment of Policy and Other Material Considerations

This application is accompanied by an Environmental Statement which has been prepared in accordance with the Planning (Environmental Impact Assessment) Regulations (NI) 2015.

Planning History

M/1974/0438 – Mineral Extraction PP Granted 25 March 1975

M/1975/0375 – Extension to Existing Building, Modernisation of Existing Clay Brick Factory PP Granted 24 November 1975

M/1976/0402 – Replacement Factory – PP Granted 11May 1977

Members are advised that Section 45(1) of the Planning Act (NI) 2011 requires the Council, in dealing with an application, to have regard to the local development plan (LDP), so far as material to the application, and to any other material considerations. Section 6(4) requires that the determination of proposals must be in accordance with the LDP unless material considerations indicate otherwise.

Policy documents being considered:

Dungannon & South Tyrone Area Plan 2010

Strategic Planning Statement for Northern Ireland (SPPS)

A Planning Strategy for Rural Northern Ireland

PPS2 – Planning & Natural Heritage

PPS3 – Access, Movement & Parking

PPS4 – Planning & Economic Development

PPS6 – Planning, Archaeology and the Built Heritage

PPS15 – Planning & Flood Risk

PPS21 – Sustainable Development in the Countryside

Dungannon & South Tyrone Area Plan Planning identifies part of the site as being existing industry within the settlement limits for Dungannon. This relates to the area where the existing factory on the Coalisland Road site is located and includes the extensions to it. Policies SETT1 and IND1 of the Plan indicate that development will normally be granted provided a number of criteria set out in SETT1 are met. These criteria are similar to those in PED1 and PED9 of PPS4 so, while the extensions to the factory may be acceptable if they meet the criteria in PED9, the overall development cannot accord with the Plan Policies as it sits outside the settlement limits.

The Strategic Planning Policy Statement for Northern Ireland (SPPS) has a guiding principle that sustainable development should be permitted unless it causes demonstrable harm to areas of acknowledged importance, particular if it conflicts with an up to date area plan. Members will be aware of the issues around the supply of industrial land in Dungannon and while the Dungannon & South Tyrone Area Plan 2010 has identified land for proposed industrial development, this land has not been brought forward and there are issues with that land coming forward. As such members will be aware of the lack of industrial land to accommodate the level of industry in the area. While the DSTAP is the extant plan, it is not up to date and the settlement limit at this part of Dungannon does not take account of the current land condition which is not of any particular interest or importance. The SPPS also asks Councils to improve health and wellbeing, support economic growth and safeguard residential and working environs.

The proposed extensions to the factory are of a high quality modern design, which I consider will improve the appearance of the existing building on the site as they enclose it from the main views. The taller extension is located on the south part of the existing factory, it a significant depth below the level of the Coalisland Road and the surrounding lands, it is also well separated from existing residential accommodation and this, paired with the lack of any windows will ensure there is limited impact on residential amenity by virtue of overlooking or overshadowing. The extension to the north side and to the front of the existing factory are lower in height than the existing building and the closest property to them is 45m to the north (56A Coalisland Road) with a hedge between them. I do not consider there will be any unacceptable overlooking or overshadowing of the existing residential properties from the proposed extensions.

Environmental Health have considered noise and odour assessments that have been provided in support of the proposed development, in considering these it has been recognised there are noise sensitive properties close by which will have their amenity impacted by the development. The reports have identified mitigation by way of design and materials of the finished buildings as well as operational procedures such as closing doors and ensuring any external testing is carried out away from the houses. EHO have advised these mitigation measures are acceptable and will limit the impact. I consider it is necessary to condition these measures are put in place to protect the amenity of the residents living close by.

Parking for the site is being formalised with 104 car parking spaces being provided, in place of the existing 33 spaces at the higher level car park on Coalisland Road. The parking standards guidance indicates that the parking for this development would equate to 142 spaces for the proposed extensions, however it does indicate that each site should be assessed on the basis of the site specifics. A Transport Assessment for the extension has indicated there will be 40 more employees within the building as this factory is for the manufacture of large machines that, by their nature take up a lot of space during assembly. The TA also identifies the alternative links to

the site via the existing footway network and public transport. Given how accessible the site is by alternative modes of transport, other than private car, I consider the proposed parking area, which provides 71 additional spaces for an additional workforce of 40 staff, provides adequate parking for the proposed factory extensions. The proposed development will screen off storage areas on the north side of the factory from public view and a landscaping scheme, once planted will improve the overall appearance of the quality of the area and improve the habitat for biodiversity purposes. The proposed factory extensions do not directly affect any natural or built heritage interests and they are proposed in an area that already is hard surfaced, therefore the extension will not create any additional storm water runoff. In view of all of the above I consider the extensions to the factory are acceptable and meet with PED1 and PED9.

Members should note this application also involves expansion of the factory site into the countryside, levelling out the old quarry to provide a level area and provision of retaining structures. Part of the area is for possible future industrial development, which is subject to separate consideration under application LA09/2017/4107/O. The purpose of the settlement limit is to promote and contain new development and maintain the clear distinction between the countryside and the built up area. Members should note policies in PPS4 allows for the expansion of existing industrial development in the countryside and for major industrial developments in the countryside. Where there is a proposed major economic development it is preferred this should be located at the edge of an existing town. There is no specific policy which would allow this proposal, for the expansion of an existing industrial development which lies within the settlement limit to expand into the countryside. Indeed Policy CTY15 of PPS21 would discourage development on the periphery of towns and settlements as it could mar the distinction between the town and the countryside. This would suggest this part of the development should be refused. However, M/1975/0438 granted planning permission for a quarry, this use has ceased as the minerals have been extracted. The site therefore falls under the definition of an Old Minerals Permission and I am unaware of a restoration plan for the site. New quarry development applications have conditions imposed that require the provision of a restoration plan and these are conditioned. The planning permission for this site did attach a condition that in the event of mining ceasing the waste materials on the site would be used to fill any areas excavated below ground level and reinstated to the satisfaction of the Planning Authority. This proposal to regrade the site, is broadly in accordance with that condition and I consider the levelling out of the land and provision of retaining structures, as proposed, will improve the overall appearance of the area.

The extension to the factory site is not in an area that floods but it will increase the overall hard standing area and could therefore impact on flooding elsewhere. The applicant has committed to provide attenuation for the storm water from the site by way of oversized pipes and hydrobrake, and I consider it is appropriate to agree the details of these post decision but before the use of the yard commences. The yard extension and levelled area are not in any areas that have any recognised archaeological or natural heritage issues and it is proposed to provide landscaping around the site to screen the storage areas, I consider this will also promote biodiversity.

In view of the planning history on the site, the current condition of the land and lack of any other potential to have the site restored, I consider it is appropriate to allow this site to be levelled, the yard area of the factory extended and retaining structures provided as proposed.

Link Road

Members should be aware that this application did not have a link road as part of the original proposal, however, through negotiations with the planning office, roads engineer and the applicant, a link road is being proposed that joins Coalisland Road to Carland Road. This has been subject to neighbour notification and advertisement in the local press. The proposed road will result in the loss of existing Industrial Heritage through the removal of existing offices and there is potential for an increase in noise and exhaust fumes from vehicles using the new road, particularly for 6 of the properties immediately to the north off the site. The reports submitted with the application have suggested there is a limited increase in traffic, as it takes account of the traffic that currently uses the Coalisland Road in its considerations. EHO have assessed this and have not raised any concerns in terms of the impacts of the proposed road on the existing properties. The offices, on the Coalisland Road entrance are single storey brick built, they are not listed buildings. HED have identified they have industrial heritage interest and would like to see them retained, however they would not insist on them being retained and certainly do not consider them to be so significant as to prevent this overall development, given the overall benefits this new road could bring in terms of relief of congestion at Thomas Street Roundabout. Members should note there are 2 brick chimneys on the site, at both sides of the site, which in my opinion, provide a significant historical link to the sites history. I consider it is appropriate to condition the retention of these chimneys.

Planning policy in relation to Protected Routes is to severely restrict any new accesses onto these routes, this is to ensure the free flow of traffic. His proposal does not involve a new access, it involves the improvements and realignment of an existing access. Roads Engineers have considered the design of the access and are content that it is safe, though it will require the stopping up of Rossmore Road, which is a process separate from the Planning Permission. Members are advised that objections to this process could result in delays to the delivery of the road, however I do not consider the road is required to allow the expansion to the factory or works for the restoration of the existing site as there is no information to suggest this element of the scheme would result in an increase in traffic on Thomas Street roundabout.

Members will be aware of the need for investment in the infrastructure around Dungannon and the lack of public funding coming forward. In this case the developer has indicated they are willing to provide a link road between Coalisland Road and Carland Road. Roads Engineers have advised this will improve the overall traffic situation in Dungannon by upgrading the access from this site onto Coalisland Road, reduce the traffic using Thomas Street roundabout which will have a knock on positive impact on the traffic progression through Thomas Street Roundabout as it will improve the flow of traffic, reduce waiting and queuing times; improve air quality at Thomas Street Roundabout and provide benefits to the economy which freer moving traffic will generate. The proposed road will create a new hard surfaced area that has the potential to impact on flooding, it is proposed to deal with this through attenuation on the site. No details of this attenuation have been provided, however I consider a condition requiring submission of and agreement of these details prior to the construction of the road can deal with this and is necessary.

In summing up I consider the proposed extensions to the factory and the provision of the offices is in accordance with the planning policy for industrial development, the levelling out of the old quarry is generally in accordance with a condition of the original minerals permission, the extension to the yard extends into the countryside but is in an area that has already been degraded and as such will not mar the distinction between the town and open countryside, the road may affect amenity but will provide significant overall benefits for the town. In view of all these I consider the development should be approved with conditions.

| | |
|--|------------|
| | |
| Neighbour Notification Checked | Yes |
| Summary of Recommendation: Approve with conditions. | |
| <p>Conditions:</p> <ol style="list-style-type: none"> 1. The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission. Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011. 2. Prior to operations commencing within the factory extensions or occupation of the offices hereby approved, the vehicular access onto Coalisland Road, shall be provided in accordance with the details on drawing No 32 Rev1 bearing the stamp dated 01 OCT 2018. The area within the visibility splays shall be cleared to provide a level surface no higher than 250mm above adjoining road and kept clear thereafter. 3. Prior to operations commencing within the factory extensions or occupation of the offices hereby approved the parking and turning areas as shown on drawing no 04 Rev xx shall be provided and permanently retained for parking and turning purposes. REASON: To ensure that adequate provision has been made for parking, servicing and traffic circulation within the site. 4. Prior to the link road hereby approved becoming operational, <ol style="list-style-type: none"> i) the access improvements onto Coalisland Road and detailed on drawing no 32 Rev 1 bearing the stamp dated 01 OCT 2018, ii) realignment of Rossmore Road, provision of right hand turning lane and alterations to Carland Road as detailed on drawing No 35 bearing the stamp dated 23 AUG 2018 shall be provided as detailed and shall be permanently retained. 5. Within the first available planting season following the occupation of either the offices or the extension to the factory hereby approved, the yard area shall be fenced off as detailed on drawing No 25 Rev 1 bearing the stamp dated 01 OCT 2018 and all landscaping shall be carried out as detailed. Any tree, shrub or other plant identified in the landscaping scheme dying with 5 years of planting shall be replaced in the same position with a plant of a similar size and species. . Reason: To ensure the provision of a high standard of landscape ad for the purposes of bio-diversity. 6. All external doors to the proposed factory extensions shall remained closed at all times when the workshops are operational, except for the purposes or access or egress. Reason: In the interests of residential amenity. | |

7. There shall be no deliveries to the site and/or external activity outside the hours of 07:00 hours and 18:30 hours Monday to Friday, 08:00hours to 13:00 hours on Saturdays and no site activity on Sundays.

Reason: In the interests of residential amenity.

8. The doors to the proposed factory extensions shall be constructed and maintained at all times to provide a sound reduction Rw of at least 30dB as detailed in the Noise Impact Assessment Report dated 20th June 2018

Reason: In the interests of residential amenity.

9. The walls to the proposed factory extensions shall be constructed and maintained at all times to provide a sound reduction Rw of at least 25dB as detailed in the Noise Impact Assessment Report dated 20th June 2018 and drawing No 02-02 dated Jan 2017.

Reason: In the interests of residential amenity.

10. The roof to the proposed factory extensions shall be constructed and maintained at all times to provide a sound reduction Rw of at least 25dB as detailed in the Noise Impact Assessment Report dated 20th June 2018 and drawing No 02-02 dated Jan 2017.

Reason: In the interests of residential amenity

11. Within 4 weeks of a written request by the Planning Department, following a reasonable noise complaint the site operator shall, at their expense, employ a suitably qualified and competent person, to assess the level of noise immissions from the site and road at the complainants' property following the procedures in line with appropriate noise measurement guidance. Details of the noise monitoring survey shall be submitted to the Planning Department for written approval prior to any monitoring commencing.

Reason: In the interests of residential amenity

12. Should a complaint be justified, the operations causing the nuisance shall cease until such times as mitigation measures have been put in place to remedy the nuisance.

Reason: In the interests of residential amenity

13. The existing chimneys identified A and B on drawing No 25 Rev 1 bearing the stamp dated 01 OCT 2018 shall be permanently retained.

Reason: To preserve industrial heritage on the site.

14. The offices hereby approved shall only be used for ancillary purposes in association with the existing factory and shall not be used for any other purpose.

Reason: To ensure road safety and to accord with planning policy in relation to office development.

Private Streets Order

15. The Private Streets (Northern Ireland) Order 1980 as amended by the Private Streets (Amendment) (Northern Ireland) Order 1992. The Department has determined that the width, position and arrangement of the streets, and the land to be regarded as being comprised in the streets, shall be as indicated on Drawings No32 Rev 1, 33, 34 & 35 bearing the date stamp 01 OCT 2018.

Reason: To ensure there is a safe and convenient road system within the development and to comply with the provisions of the Private Streets (Northern Ireland) Order 1980.

Informatives:

1. When making this decision the Council has taken into consideration environmental information within the terms of the Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2015.
2. The developer should satisfy themselves that the Geotechnical Certification Process has adequately addressed
3. The developer's attention is drawn to the comments received from Northern Ireland Environment Agency, Rivers Agency, Historic Environment Division, Environmental Health and Roads. These are available to download from the planning portal.
4. This permission does not grant any use on the lands outside of the yard for the factory.

Signature(s)

Date:



OUTLINE PLANNING PERMISSION
Planning Act (Northern Ireland) 2011

Application No: **LA09/2017/1407/O**

Date of Application: **9th October 2017**

Site of Proposed Development: **Site to be developed located on lands between A29 Cookstown Road/Rossmore Road and 48 Coalisland Road Dungannon**

Description of Proposal: **Construction of industrial and commercial units on serviced sites**

Applicant: **Maximus Crushing and Screening**
Address: **48 Coalisland Road**
Dungannon

Agent: **Clarman and Co**
Address: **Unit 1**
33 Dungannon Road
Coalisland
BT71 4HP

Drawing Ref: **01**

Mid Ulster District Council in pursuance of its powers under the above-mentioned Act hereby

GRANTS OUTLINE PLANNING PERMISSION

for the above-mentioned development in accordance with your application subject to compliance with the following conditions which are imposed for the reasons stated:

1. Approval of the details of the siting, design and external appearance of the buildings, the means of access thereto and the landscaping of the site (hereinafter called "the reserved matters"), shall be obtained from the Council,



in writing, before any development is commenced.

Reason: This is outline permission only and these matters have been reserved for the subsequent approval of the Council.

2. The under-mentioned reserved matters shall be as may be approved, in writing, by the Council :-

Siting; the two dimensional location of buildings within the site.

Design; the two dimensional internal arrangement of buildings and uses and the floor space devoted to such uses, the three dimensional form of the buildings and the relationship with their surroundings including height, massing, number of storeys, general external appearance and suitability for the display of advertisements.

External appearance of the Buildings; the colour, texture and type of facing materials to be used for external walls and roofs.

Means of Access; the location and two dimensional design of vehicular and pedestrian access to the site from the surroundings and also the circulation, car parking, facilities for the loading and unloading of vehicles and access to individual buildings within the site.

Landscaping; the use of the site not covered by building(s) and the treatment thereof including the planting of trees, hedges, shrubs, grass, the laying of hard surface areas, the formation of banks, terraces or other earthworks and associated retaining walls, screening by fencing, walls or other means, the laying out of gardens and the provisions of other amenity features.

Reason: To enable the Council to consider in detail the proposed development of the site.

3. Application for approval of the reserved matters shall be made to the Council within 3 years of the date on which this permission is granted and the development, hereby permitted, shall be begun by whichever is the later of the following dates:-
 - i. the expiration of 5 years from the date of this permission; or
 - ii. the expiration of 2 years from the date of approval of the last of the reserved matters to be approved.

Reason: As required by Section 62 of the Planning Act (Northern Ireland) 2011.



4. Prior to the commencement of any development on the site, an access road linking Coalisland Road and Carland Road shall be provided in accordance with the details approved under planning permission ref. LA09/2017/0567/F, or a suitable alternative scheme as may be approved by the Council.

Reason: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users.

5. During the first available planting season following the occupation of any of the development hereby approved, a landscaping scheme, as agreed with the Council at Reserved Matters stage shall be implemented as agreed. The scheme shall detail species types, siting and planting distances and a programme of planting for all additional landscaping on the site and will comply with the appropriate British Standard or other recognised Codes of Practice. Any tree, shrub or other plant identified in the landscaping scheme dying with 5 years of planting shall be replaced in the same position with a plant of a similar size and species.

Reason: To ensure the provision of a high standard of landscape.

6. The noise rating level from the development shall not exceed Daytime LAeq, 1 hr 48dB and Night time LAeq, 15min 32dB at the boundary of R4, as per Section 10, Environmental Statement Vol. 1 Part 2 dated January 2017 by AECOM.

Reason: In the interests of residential amenity.

7. No development shall take place in the area around DBH3 (located on Figure 2A Report No. 158/NI/16 by Geotechnical Environmental Services Limited, contained within Targeted Generic Quantitative Risk Assessment dated January 2017 Job No. A101640 by WYG Environmental and Planning (Northern Ireland) Limited.

Reason: To protect the environment and occupants of any proposed development.

8. Development around the area of DBH3 (located on Figure 2A Report No. 158/NI/16 by Geotechnical Environmental Services Limited, contained within Targeted Generic Quantitative Risk Assessment dated January 2017 Job No. A101640 by WYG Environmental and Planning (Northern Ireland) Limited shall be reassessed for the presence of ground gas in line with up to date requirements for Ground Gas monitoring and mitigation.

Reason: To protect the environment and occupants of any proposed development.

9. In the event that previously unknown contamination is discovered, falling outside the scope of the remediation scheme, development on the Site shall cease pending submission of a written report which appropriately investigates



the nature and extent of that contamination and reports the findings and conclusions of the same and provides details of what measures will be taken as a result of the contamination for the prior written approval of Planning department (in consultation with the Environmental Health Department of Mid Ulster District Council).

Reason: To protect the environment and occupants of any proposed development.

10. Any remediation scheme shall be validated in order to ensure and verify that the remediation scheme has been implemented in accordance with the scheme and the objectives have been met; substantiating information shall be submitted to Planning department (in consultation with the Environmental Health Department of Mid Ulster District Council in the form of a written validation report, for prior approval.

Reason: To protect the environment and occupants of any proposed development.

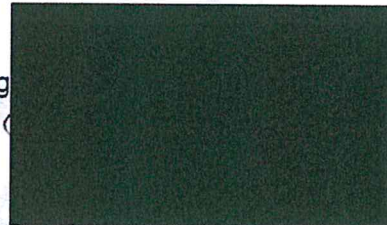
11. The applicant shall have full regard to all relevant and current guidance and standards during the remediation and validation processes and shall incorporate such detail within any report submissions required to be submitted for prior approval by Planning department (in consultation with the Environmental Health Department of Mid Ulster District Council).

Reason: To protect the environment and occupants of any proposed development.

Informatives

1. When making this decision the Council has taken into consideration environmental information within the terms of the Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2015.

Dated: 3rd January 2019 Planning Manag



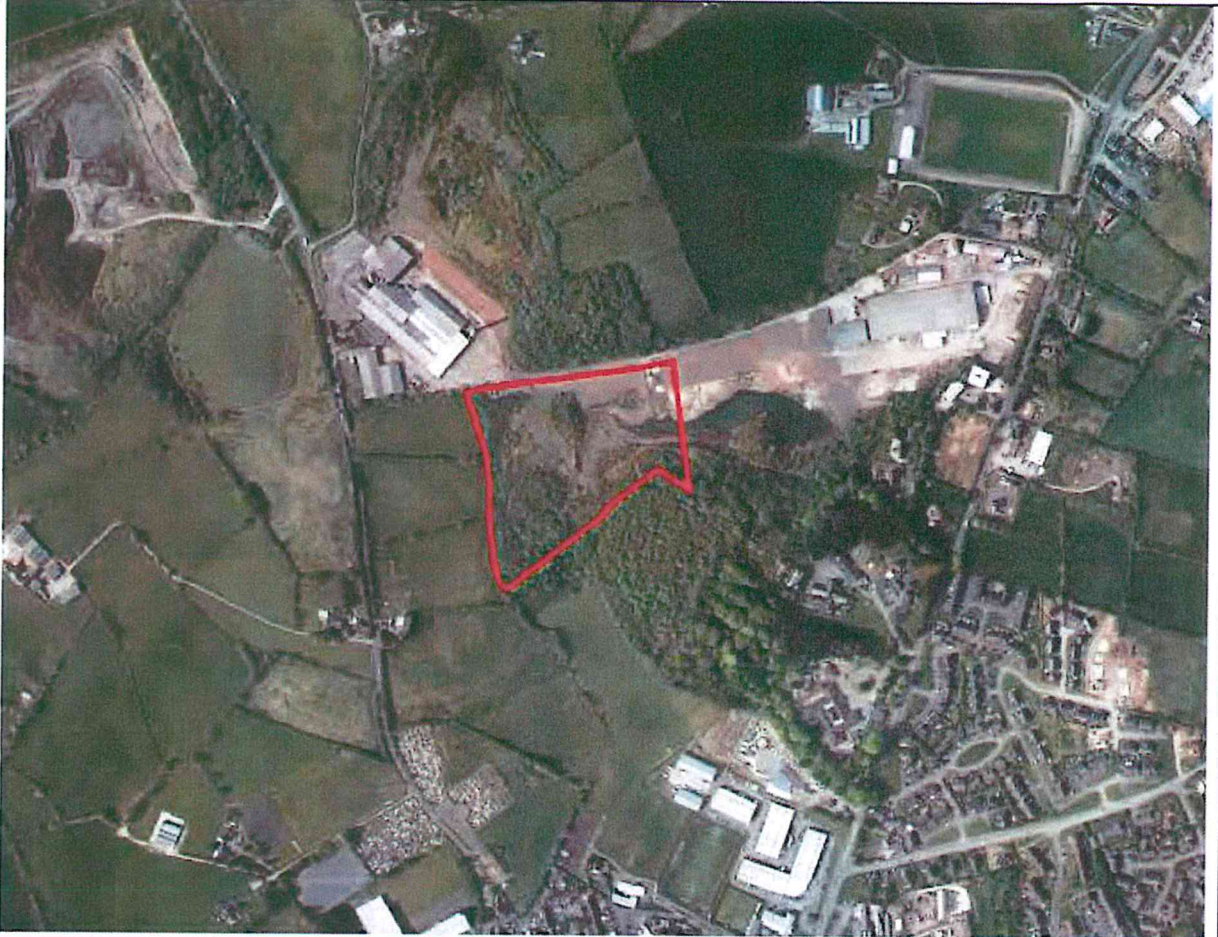


Development Management Officer Report Committee Application

| Summary | |
|--|---|
| Committee Meeting Date: | Item Number: |
| Application ID: LA09/2017/1407/O | Target Date: |
| Proposal: Construction of industrial and commercial units on serviced sites | Location: Site to be developed located on lands between A29 Cookstown Road/Rossmore Road and 48 Coalisland Road Dungannon |
| Referral Route: Major application Development sits outside the settlement limits for Dungannon | |
| Recommendation: | Approval |
| Applicant Name and Address: Maximus Crushing and Screening 48 Coalisland Road Dungannon | Agent Name and Address: Clarman and Co Unit 1 33 Dungannon Road Coalisland BT71 4HP |
| Executive Summary: This application is for the reuse of a former quarry on the edge of Dungannon for Industrial purposes. This proposal is considered in connection with LA09/2017/0567/F. | |
| Signature(s): | |

Case Officer Report

Site Location Plan



Consultations:

| Consultation Type | Consultee | Response |
|-------------------|---|-------------------------------|
| Statutory | DFI Roads - Enniskillen Office | Standing Advice |
| Non Statutory | Environmental Health Mid Ulster Council | |
| Non Statutory | NI Water - Strategic Applications | |
| Statutory | Rivers Agency | Advice |
| Statutory | NIEA | Advice |
| Non Statutory | Invest NI | Substantive Response Received |
| Non Statutory | Environmental Health Mid Ulster Council | Substantive Response Received |
| Non Statutory | DETI - Geological Survey (NI) | Add Info Requested |

| | | |
|--|-----------------------------------|-----------------------------------|
| Non Statutory | NI Water - Strategic Applications | Considered - No Comment Necessary |
| Representations: | | |
| Letters of Support | None Received | |
| Letters of Objection | None Received | |
| Number of Support Petitions and signatures | No Petitions Received | |
| Number of Petitions of Objection and signatures | No Petitions Received | |
| Summary of Issues No issues raised | | |
| Characteristics of the Site and Area This application site is approx.. 4.3ha and is part of a former quarry on the north side of Dungannon, just outside the settlement limits. The area has been levelled and has a high bank topped with trees to the south, a hedge with some young trees along the west and the other boundaries are undefined on the ground. The site was part of the larger Tyrone Brickworks site and sits in a valley with higher ground to the south and north and existing buildings, which were associated with the brickworks, to the west and east. The site is also south of a former railway line. There is an active quarry on the opposite side of Carland Road, single rural houses to the south west, a cemetery and open space to the south, with Drumglass House and grounds which house a number of Health and Social Service Facilities and a special school to the south east. | | |
| Description of Proposal This application is for outline planning permission to establish the acceptability of the site for industrial purposes. | | |
| Planning Assessment of Policy and Other Material Considerations This application is accompanied by an Environmental Statement which has been prepared in accordance with the Planning (Environmental Impact Assessment) Regulations (NI) 2015. Planning History M/1974/0438 – Mineral Extraction PP Granted 25 March 1975 M/1975/0375 – Extension to Existing Building, Modernisation of Existing Clay Brick Factory PP Granted 24 November 1975 M/1976/0402 – Replacement Factory – PP Granted 11May 1977 Members are advised that Section 45(1) of the Planning Act (NI) 2011 requires the Council, in dealing with an application, to have regard to the local development plan (LDP), so far as material to the application, and to any other material considerations. Section 6(4) requires that the determination of proposals must be in accordance with the LDP unless material considerations indicate otherwise. Policy documents being considered: Dungannon & South Tyrone Area Plan 2010 Strategic Planning Statement for Northern Ireland (SPPS) A Planning Strategy for Rural Northern Ireland | | |

PPS2 – Planning & Natural Heritage
PPS3 – Access, Movement & Parking
PPS4 – Planning & Economic Development
PPS6 – Planning, Archaeology and the Built Heritage
PPS15 – Planning & Flood Risk
PPS21 – Sustainable Development in the Countryside

Dungannon & South Tyrone Area Plan Planning identifies the site as being outside the settlement limits for Dungannon with the south boundary of the application site contiguous with the settlement limit. This site is therefore within the rural area.

The Strategic Planning Policy Statement for Northern Ireland (SPPS) has a guiding principle that sustainable development should be permitted unless it causes demonstrable harm to areas of acknowledged importance, particular if it conflicts with an up to date area plan. Members will be aware of the issues around the supply of industrial land in Dungannon and while the Dungannon & South Tyrone Area Plan 2010 has identified land for proposed industrial development, this land has not been brought forward and there are issues with that land coming forward. As such members will be aware of the lack of industrial land to accommodate the level of industry in the area. While the DSTAP is the extant plan, it is not up to date and the settlement limit at this part of Dungannon does not take account of the current land condition which is not of any particular interest or importance. The SPPS also asks Councils to improve health and wellbeing, support economic growth and safeguard residential and working environs.

This application is for outline planning permission and as such there are no details to be considered in terms of the design and appearance of the buildings; landscaping for the area; parking, turning and servicing areas; storage areas to facilitate the development; levels of the existing and proposed site or any drainage details. These are all matters that may be agreed at Reserved Matter Stage, provided the development is acceptable in principle. Members are advised the application site does not front on to any public road, however full details of an access road to serve the development is being considered under a separate planning application, LA09/2017/0567/F. Those details are of a road that links Carland Road and Coalisland Road and include a footpath that links into the existing public network on Coalisland Road. There is also an opportunity here to link into the periphery cycle route as set out in the Dungannon & South Tyrone Area Plan 2010 and I consider these measures would contribute to a variety of different modes of transport to serve the site.

Members should note this application sits outside the settlement limit for Dungannon, the purpose of the settlement limit is to promote and contain new development and maintain the clear distinction between the countryside and the built up area. Policies in PPS4 allow for the expansion of existing industrial development in the countryside and for major industrial developments in the countryside and where there is a proposed major economic development it is preferred this should be located at the edge of an existing town. The Policy does not define what is meant by 'Major Development', though it tends to favour one operator who is the sole operator on a large site, whereas this proposal has been predicated on the basis of a number of small units for different operators. I do not consider there is any policy in PPS4 that would favour this development, indeed Policy CTY15 of PPS21 would discourage development on the periphery of towns and settlements as it could mar the distinction between the town and the countryside. This would suggest this development should be refused.

I draw member's attention to M/1975/0438 which granted planning permission for a quarry, which has ceased use. The site therefore falls under the definition of an Old Minerals Permission and I am unaware of a restoration plan for the site. New quarry development applications have conditions imposed that require the provision of a restoration plan and these are conditioned. The planning permission for this site did attach a condition that in the event of mining ceasing the

waste materials on the site would be used to fill any areas excavated below ground level and reinstated to the satisfaction of the Planning Authority. This does not provide any specific use on the lands on restoration and as it is now unenforceable, there is no mechanism for the Council to have this site reinstated. The proposal under consideration, in association with LA09/2016/0567/F, will ensure the restoration of the area is carried out and the land can be brought into some use.

Members will be aware, through other applications that have been in front of the committee and reports received in relation to the supply of industrial land, there is a deficit of industrial land to serve the town of Dungannon. This is a material consideration for the committee, particularly as PPS4 sets out a requirement for a Plan to meet economic development needs by designating and zoning an ample supply of land to meet these needs and it is quite clear this has not been done. Members therefore can consider other appropriate lands to serve this need.

I consider this proposal to utilise this area of waste land on the periphery of Dungannon could be considered as an exception to policy CTY15 as the site is well screened from public views due to its valley location with limited public vantage points and the existing buildings on the Coalisland Road and the Carland Road.

Environmental Health Officers have considered noise and odour assessments and while the site is well away from existing sensitive receptors, they have recommended a number of conditions relating to noise to ensure amenity is protected. Land contamination associated with the site has also been considered by EHO and NIEA, they have acknowledged a report in relation to contaminated land on the site and have advised conditions should be attached to address ground fill gas monitoring. GSNI have also raised this as an issue and also identified spoil heaps that may have stability issues. Members are advised the site has a condition of the previous mineral consent that allowed the land to be levelled following completion of the extraction works. There is a planning application for these works and the provision of retaining structures along the south boundary of the site. I consider this will address these concerns. A mine risk assessment has been recommended for the area of the ground to the NE of the site, members are advised this sits outside the application site and as such is not going to impact the proposed site.

The site is not in an area that is at risk of flooding, Rivers Agency have requested additional information in relation to drainage infrastructure, however I consider this can be dealt with at the Reserved Matters stage.

In view of the planning history on the site, the current condition of the land, lack of any other potential to have the site restored and deficit of industrial land in Dungannon, I consider members could allow this site for Industrial purposes. I do not consider approving this development would set a wide ranging precedent as there are a number site specific matters which have been considered:

- the previous use as a quarry with no potential to restore the land
- the existing industrial uses within large industrial buildings at either end of the site, one of which is outside the defined settlement limits for Dungannon
- the need for industrial land in Dungannon.

Members should note there is no requirement to notify the Department under the Planning (Notification of Applications) Direction 2017 as the proposal will not significantly prejudice the implementation of the local development plans objectives and policies.

Neighbour Notification Checked

Yes

Summary of Recommendation:

Approval with conditions

Conditions:

1. Approval of the details of the siting, design and external appearance of the buildings, the means of access thereto and the landscaping of the site (hereinafter called "the reserved matters"), shall be obtained from the Council, in writing, before any development is commenced.
Reason: This is outline permission only and these matters have been reserved for the subsequent approval of the Council.

2. The under-mentioned reserved matters shall be as may be approved, in writing, by the Council :-

Siting; the two dimensional location of buildings within the site.

Design; the two dimensional internal arrangement of buildings and uses and the floor space devoted to such uses, the three dimensional form of the buildings and the relationship with their surroundings including height, massing, number of storeys, general external appearance and suitability for the display of advertisements.

External appearance of the Buildings; the colour, texture and type of facing materials to be used for external walls and roofs.

Means of Access; the location and two dimensional design of vehicular and pedestrian access to the site from the surroundings and also the circulation, car parking, facilities for the loading and unloading of vehicles and access to individual buildings within the site.

Landscaping; the use of the site not covered by building(s) and the treatment thereof including the planting of trees, hedges, shrubs, grass, the laying of hard surface areas, the formation of banks, terraces or other earthworks and associated retaining walls, screening by fencing, walls or other means, the laying out of gardens and the provisions of other amenity features.

Reason: To enable the Council to consider in detail the proposed development of the site.

3. Application for approval of the reserved matters shall be made to the Council within 3 years of the date on which this permission is granted and the development, hereby permitted, shall be begun by whichever is the later of the following dates:-

- i. the expiration of 5 years from the date of this permission; or
- ii. the expiration of 2 years from the date of approval of the last of the reserved matters to be approved.

Reason: As required by Section 62 of the Planning Act (Northern Ireland) 2011.

4. Prior to the commencement of any development on the site, an access road linking Coalisland Road and Carland Road shall be provided in accordance with the details approved under LA09/2017/0567/F, or a suitable alternative scheme as may be approved by the Council.

Reason: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users.

5. During the first available planting season following the occupation of any of the development hereby approved, a landscaping scheme, as agreed with the Council at Reserved Matters stage shall be implemented as agreed. The scheme shall detail species types, siting and planting distances and a programme of planting for all additional landscaping on the site and will comply with the appropriate British Standard or other recognised Codes of Practice. Any tree, shrub or other plant identified in the landscaping scheme dying with 5 years of planting shall be replaced in the same position with a plant of a similar size and species.

Reason: To ensure the provision of a high standard of landscape.

6. The noise rating level from the development shall not exceed Daytime LAeq, 1 hr 48dB and Night time LAeq, 15min 32dB at the boundary of R4, as per Section 10, Environmental Statement Vol. 1 Part 2 dated January 2017 by AECOM.

Reason: In the interests of residential amenity.

7. No development shall take place in the area around DBH3 (located on Figure 2A Report No. 158/NI/16 by Geotechnical Environmental Services Limited, contained within Targeted Generic Quantitative Risk Assessment dated January 2017 Job No. A101640 by WYG Environmental and Planning (Northern Ireland) Limited).

Reason: To protect the environment and occupants of any proposed development.

8. Development around the area of DBH3 (located on Figure 2A Report No. 158/NI/16 by Geotechnical Environmental Services Limited, contained within Targeted Generic Quantitative Risk Assessment dated January 2017 Job No. A101640 by WYG Environmental and Planning (Northern Ireland) Limited shall be reassessed for the presence of ground gas in line with up to date requirements for Ground Gas monitoring and mitigation.

Reason: To protect the environment and occupants of any proposed development.

9. In the event that previously unknown contamination is discovered, falling outside the scope of the remediation scheme, development on the Site shall cease pending submission of a written report which appropriately investigates the nature and extent of that contamination and reports the findings and conclusions of the same and provides details of what measures will be taken as a result of the contamination for the prior written approval of Planning department (in consultation with the Environmental Health Department of Mid Ulster District Council).

Reason: To protect the environment and occupants of any proposed development.

10. Any remediation scheme shall be validated in order to ensure and verify that the remediation scheme has been implemented in accordance with the scheme and the objectives have been met; substantiating information shall be submitted to Planning department (in consultation with the Environmental Health Department of Mid Ulster District Council in the form of a written validation report, for prior approval.

Reason: To protect the environment and occupants of any proposed development.

11. The applicant shall have full regard to all relevant and current guidance and standards during the remediation and validation processes and shall incorporate such detail within any report submissions required to be submitted for prior approval by Planning department (in consultation with the Environmental Health Department of Mid Ulster District Council).

Reason: To protect the environment and occupants of any proposed development.

Informative:

1. When making this decision the Council has taken into consideration environmental information within the terms of the Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2015.

Signature(s)

Date: