

**Roisin McAllister**

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**From:** 2 Plan NI - Sheila Curtin <info@2planni.co.uk>  
**Sent:** 24 September 2020 13:06  
**To:** DevelopmentPlan@midulstercouncil.org  
**Subject:** Draft Plan Strategy representation -Mr. & Mrs. Kennedy- Cookstown Settlement Limit.  
**Attachments:** 2Plan NI -Kennedy 23.09.2020.pdf; Representation-Form-(extended-deadline).pdf; POP submission Kennedy 1 a.pdf; POP submission Kennedy 2.pdf; POP submission Kennedy 3.pdf  
**Follow Up Flag:** Follow up  
**Flag Status:** Completed

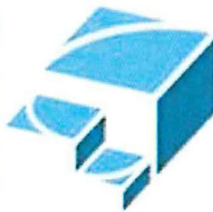
To whom it may concern,

Please find attached completed representation form, accompanying representation document and copies of the associated POP submissions in relation to Mr. & Mrs. Kennedy- Cookstown Settlement Limit. I trust that this is in order, and would be obliged if you can confirm receipt of this email.

Kind Regards,  
 Sheila Curtin MRTPI

47 Lough Fea Road, Cookstown, Co Tyrone, BT80 9QL  
 t: [REDACTED] | m: [REDACTED]

e: [info@2planni.co.uk](mailto:info@2planni.co.uk)  
 w: [www.2planni.co.uk](http://www.2planni.co.uk)



**RTPI**  
 Chartered Town Planner

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**From:** 2 Plan NI - Sheila Curtin <info@2planni.co.uk>  
**Sent:** 24 September 2020 12:47  
**To:** 'DevelopmentPlan@midulstercouncil.org' <DevelopmentPlan@midulstercouncil.org>  
**Subject:** Draft Plan Strategy representation -Mr. Joe Hutton- Dungannon Settlement Limit.



To whom it may concern,  
Please find attached completed representation form and accompanying representation document in relation to Mr. Joe Hutton- Dungannon Settlement Limit.  
I trust that this is in order, and would be obliged if you can confirm receipt of this email.

Kind Regards,  
Sheila Curtin MRTPI

47 Lough Fea Road, Cookstown, Co Tyrone, BT80 9QL

t: [REDACTED] | m: [REDACTED]

e: [info@2planni.co.uk](mailto:info@2planni.co.uk)


w: [www.2planni.co.uk](http://www.2planni.co.uk)



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**Submission of a Representation to Mid Ulster District Council Local Development Plan 2030 - Draft Plan Strategy**



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

**Local Development Plan  
Representation Form  
Draft Plan Strategy**

Ref:  
Date Received:  
(For official use only)

Name of the Development Plan Document (DPD) to which this representation relates

Draft Plan Strategy

**Representations must be submitted by 5pm on 24<sup>th</sup> September 2020 to:**

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

Or by email to [developmentplan@midulstercouncil.org](mailto:developmentplan@midulstercouncil.org)

Please complete separate form for each representation.

**SECTION A**

**1. Personal Details**

Title

First Name

Last Name

Job Title (where relevant)

Organisation (where relevant)

**2. Agent Details (if applicable)**

Address Line 1		2Plan NI 47 Lough Fea Road Cookstown Co. Tyrone
Line 2		
Line 3		
Line 4		
Post Code		BT80 9QL
Telephone Number		
E-mail Address	<u>info@2planni.co.uk</u>	

**SECTION B**

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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/<br>Spatial Planning Framework | Development Limit Cookstown<br>SPF2 |
| (iv) Policy  | HOU 1                               |
| (v) Proposals Map                                    | _____                               |
| (vi) Site Location                                   | _____                               |

4(a). Do you consider the development plan document (DPD) is:

Sound		Unsound	✓
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4(b). If you consider the DPD to be unsound, please identify which test(s) of soundness your representation relates, having regard to Development Plan Practice Note 6 (available on the Planning Portal Website at [https://www.planningni.gov.uk/index/advice/practice-notes/development\\_plan\\_practice\\_note\\_06\\_soundness\\_version\\_2\\_may\\_2017\\_-2a.pdf.pdf](https://www.planningni.gov.uk/index/advice/practice-notes/development_plan_practice_note_06_soundness_version_2_may_2017_-2a.pdf.pdf)).

Soundness Test No.

See attached statement

5. Please give details of why you consider the DPD to be unsound having regard to the test(s) you have identified above. Please be as precise as possible.

If you consider the DPD to be sound and wish to support the DPD, please set out your comments below:

See attached statement

*(If not submitting online and additional space is required, please continue on a separate sheet)*

6. If you consider the DPD to be unsound, please provide details of what change(s) you consider necessary to make the DPD sound.

Please note your representation should be submitted in full and cover succinctly all the information, evidence, and any supporting information necessary to support/justify your submission. There will not be a subsequent opportunity to make a further submission based on your original representation. After this stage, further submissions will only be at the request of the independent examiner, based on the matters and issues he/she identifies at independent examination.

See attached statement

*(If not submitting online and additional space is required, please continue on a separate sheet)*

7. If you are seeking a change to the DPD, please indicate if you would like your representation to be dealt with by:

Written Representation

Oral Hearing

Please note that the Department will expect the independent examiner to give the same careful consideration to written representations as to those representations dealt with by oral hearing.

Signature:

Date:

23/09/2020



Representation to the Mid Ulster District Council's  
Local Development Plan 2030  
Draft Plan Strategy

2Plan NI

September 2020

By Email

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## 1. Introduction

2Plan NI wish to make the following submission on behalf of Mr. & Mrs. Kennedy in response to the Draft Plan Strategy (DPS). The representation considers the policies proposed within the Draft Plan and details areas where further work is considered necessary. The representation also provides a response as to whether various aspects of the draft plan meet the necessary soundness tests.

To ensure that this representation is set within the appropriate planning context, we have reviewed all legislative, regulative and policy requirements/guidance associated with preparing local development plans in Northern Ireland and all supporting documents associated with the DPS and the preferred Options Paper, which are relevant to the topics/policies which we make comment on.

Land within the ownership of my clients lies both within and out with the Development Limit of Cookstown. In the event that a representation is made contesting the inclusion of said lands within the Development Limit of Cookstown and/or the policies associated with it, we will make a counter representation. Attached to this representation is a copy of the Preferred Options Paper representations previously submitted to the Council on behalf of our clients.

The representation is structured as follows:

- Section 2- Legislative and Procedural Context
- Section 3 -Policy Soundness and remedy measures.
- Conclusion



## 2. Legislative and Procedural Context

Sections 6 (1) and (2) of the Planning Act (Northern Ireland) 2011 (the 2011 Act) set out that in Northern Ireland, the local development plan (LDP) for each of the 11 local authorities comprises a plan strategy (PS) and a local policies plan (LPP).

The PS represents the first formal stage of the two stage LDP process and Section 8(1) of the 2011 Act requires all Councils in Northern Ireland to prepare a PS for their districts.

In preparing its DPS, Mid Ulster District Council (MUDC) is required to adhere to the provisions of the Planning Act (Northern Ireland) 2011 ('Act') and the Planning (Local Development Plan) Regulations (Northern Ireland) 2015 ('Regulations').

The keystone of the local development plan system is the principle of 'soundness'. Section 10(6) of the 2011 Act provides that the purpose of the Independent Examination (IE) is to determine, in respect of the development plan document:

- whether it satisfies the requirements of sections 7 and 8 or, as the case may be, sections 7 and 9, and any regulations under section 22 relating to the preparation of development plan documents; and
- whether it is sound.

Although not legislation, Development Plan Practice Note 6 sets out 3 main tests of soundness for Local Development Plans, with each test having a number of criteria, as follows:

### Procedural Tests

- P1 *Has the DPD been prepared in accordance with the council's timetable and the Statement of Community Involvement?*
- P2 *Has the council prepared its Preferred Options Paper and taken into account any representations made?*
- P3 *Has the DPD been subject to sustainability appraisal including Strategic Environmental Assessment?*
- P4 *Did the council comply with the regulations on the form and content of its DPD and procedure for preparing the DPD?*

### Consistency Tests

- C1 *Did the council take account of the Regional Development Strategy?*
- C2 *Did the council take account of its Community Plan?*
- C3 *Did the council take account of policy and guidance issued by the Department?*

- C4 *Has the plan had regard to other relevant plans, policies and strategies relating to the council's district or to any adjoining council's district?*

Coherence and Effectiveness Tests

- CE1 *The DPD sets out a coherent strategy from which its policies and allocations logically flow and where cross boundary issues are relevant it is not in conflict with the DPDs of neighbouring councils;*
- CE2 *The strategy, policies and allocations are realistic and appropriate having considered the relevant alternatives and are founded on a robust evidence base;*
- CE3 *There are clear mechanisms for implementation and monitoring; and*
- CE4 *It is reasonably flexible to enable it to deal with changing circumstances.*

### 3. Policy soundness and remedy measures

We support the plan objectives as outlined in para 3.15 of the Draft Plan Strategy, in particular we support the following objectives:

- *To build Cookstown, Dungannon and Magherafelt as economic and transportation hubs and as the main service centres for shops, leisure activities, public administrative and community services including health and education. These are the most populated places and the town centres are the most accessible locations for people to travel to including those without a car.*
- *To protect and consolidate the role of local towns and villages so that they act as local centres for shops and community services meeting the daily needs of their rural hinterlands.*
- *To provide for vital and vibrant rural communities whilst protecting the countryside in which they live by accommodating sustainable growth within the countryside proportionate to the extent of existing rural communities.*
- *To provide for 11,000 new homes by 2030 in a range of housing capable of meeting the needs of families, the elderly and disabled, and single people, at locations accessible to community services, leisure and recreational facilities, for those people with and without a car.*
- *To recognise the needs of both growing families and carers of the elderly and disabled by accommodating development which allows people to remain within their own communities and does not lead to significant harm to neighbours or the built and natural environment.*
- *To facilitate the development of new community facilities at locations accessible to the communities they serve, through a variety of modes of transportation in accordance with the community plan.*
- *To accommodate cultural differences in our communities whilst promoting “shared spaces” to bring people together with equality of opportunity.*

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We however feel that the associated policies contained within the Draft Plan Strategy fails the test for Soundness.



**SPF 2 – Focus growth within the three main towns/hubs of Cookstown, Dungannon and Magherafelt and strengthen their roles as the main administrative, trade, employment and residential centres within the District;**

Plan Para 4.16 states:

*In order to ensure land availability over the plan period at a level not below 30% of the Districts HGI, Mid Ulster Council will ensure that additional land is made available over the plan period to meet this provision. In order to facilitate this a phased approach to land release is adopted in this Plan.*

*In selecting land to be zoned for housing priority will be given to locations which:*

- have access to existing community facilities and services;*
- can avail of existing infrastructure such as water, waste and sewerage;*
- avoid flood risk;*
- have access to public transport; and*
- do not impact on the character of the town or any heritage assets.*

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We submit that SPF2 is unsound as it fails the following soundness test:

- Fails the Coherence and Effective Test – CE2
- Fails the Coherence and Effective Test – CE3
- Fails the Coherence and Effective Test – CE4

**POLICY HOU1 – PROTECTION OF LAND ZONED FOR HOUSING**

Land has been zoned as Phase 1 and Phase 2 housing land. Development of non-residential uses on land zoned for housing will conflict with the plan unless they are ancillary to the housing development and provide community or recreational uses such as health, education or a neighbourhood shop.

Development of phase 1 land for housing in line with the key site requirements will accord with the Plan.

Development of phase 2 housing land will conflict with the Plan except where:

- i) It has been re-designated as phase 1 land in Local Policies Plan or as a result of Plan review;
- ii) It is for social/affordable housing to meet an identified social housing need;
- iii) It is for a single dwelling in accordance with our policy for dwellings in the countryside;
- iv) It is to meet an overriding need for a health, education or community facility.

Plan Para 7.9 -7.12 states:

7.9 *Cookstown, Dungannon and Magherafelt will continue to be the focus of major housing development supported by Coalisland and Maghera as local towns. Each of these towns have their own distinctive character and it is important that this is respected in planning for new homes. Our villages and small settlements also provide sustainable locations across rural Mid Ulster but the scale of the development needs to be kept in line with the scale of these settlements and the level of services which they offer.*

7.10 *We recognise the importance of providing the right amount of housing land in the right location to meet housing need. Under-provision can lead to price rises which will bring about a reduced level of access to the housing market. If overprovided for, the housing market can crash resulting in a catastrophe for our economy. Equally, if land is zoned inaccessibly or in the wrong place it can result in urban sprawl or land banking where no efforts are made to develop homes. Thus, in order to achieve a sustainable housing supply, we will ensure an appropriate amount of land is available at a choice of locations across the main towns and that opportunities are also provided in the local towns and smaller settlements.*

7.11 *Key to our strategy is zoning land in two phases in Cookstown, Dungannon and Magherafelt, thus allowing for current needs to be met whilst setting the direction of future growth.*  
7.12 *Our strategy is also to provide policy which ensures quality development, in terms of density,*



*design, amenity, open space and accessibility whilst also ensuring opportunity exists for social housing which can be integrated into private housing to provide a mixture of tenures.*

We submit that HOU1 is also unsound as it fails the following soundness test:

- Fails the Coherence and Effective Test – CE2
- Fails the Coherence and Effective Test – CE3
- Fails the Coherence and Effective Test – CE4

The plan proposes a phased approach to the allocation of land for housing. We submit that the phased approach fails the test of soundness as phasing of land is not reasonably flexible to deal with changing circumstances (CE4) and is therefore not realistic and appropriate (CE2). Vacant urban sites can wait for years to be developed because of cost, land ownership complications, the economy, planning itself or even just the phasing of large developments. Swathes of land sitting redundant for long periods is not only inefficient when housing supply fails to keep up with demand, but it is also, unsustainable, non-compliant with the plan objectives and the non-compliant with the accompanying Strategic Environmental Assessment.

*Cookstown has been identified as a main town/hub within the Draft Plan Strategy, we support this designation. Appendix 1 of the Draft Plan Strategy (Housing local Indicators and Economic Development Indicators over Plan Period 2015-2030) indicates that Cookstown will only be allocated land for the construction of between 1,095-2,299 units between 2015 and 2030. This approach to housing allocation is taken from the existing split of households throughout the District, which is referred to as the 'fair share' approach in the Preferred Options Paper. We contend that this figure is wholly inadequate and does not reflect the objective of the Draft Plan Strategy (3.15) To build Cookstown, Dungannon and Magherafelt as economic and transportation hubs and as the main service centres for shops, leisure activities, public administrative and community services including health and education. These are the most populated places and the town centres are the most accessible locations for people to travel to including those without a car.*

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In order to achieve the plan objective to provide 11,000 new homes by 2030, and to provide for Cookstown's equitable share of housing, phasing of land needs to be removed, rigid adherence to the HGI indicators need to be reconsidered to enable an over supply of land for housing to account for the substantial swathes of zoned land which can not or will not be developed during the plan period due to the reasons set out above.

We acknowledge the considerable amount of work and the length of time it takes to get to this stage of the area plan, we question however the use of pre 2015 statistics to inform the plan. We note that Appendix 1 of the Draft Plan Strategy was based on NISRA household figures from September 2012, and the figure for committed units still to be developed and residual zoning figures are taken from April 2015 figures. We note also that the Mid Ulster Preferred Options Paper (November 2016) is based on Development Preparatory Papers published in 2015.

The use of outdated preparatory papers to inform the allocation of housing land significantly weakens the evidence base upon which they are used to inform. Policy SPF2 fails test CE2 as it is contended that the proposed policy is not appropriate given the outdated nature of the evidence base.





The position paper entitled 'Strategic Settlement Evaluation' published July 2015, concludes the following for the settlement of Cookstown:

- *There is a significant proportion of phase 1 housing land which is as yet undeveloped. No phase 2 housing land has been developed.*
- *There is also a large amount of industry / business use land which has not been developed, particularly at the east of the settlement.*
- *The availability of considerable housing and economic land would suggest that the expansion of the settlement is not necessary.*
- *Information contained within the housing allocation paper would suggest that there is no need for additional housing in Cookstown. As mentioned, there is a significant amount of housing land which is still undeveloped and this should be adequate to allow for the provision of the additional housing if required. Therefore an expansion of the existing development limit for the purpose of housing is unlikely. Figures from the 2014 housing monitor show that there is the potential for 1722 residential units with existing planning approval to be completed within the settlement limit*

*This Paper as quoted above is now over 5 years out of date, and significant developments have occurred within Cookstown since July 2015 to the status of housing and industrial land. Due to the timing of the Paper it excludes for example the commencement of the Northern Ireland Community Safety College as a major resource, along with the expansion of multinational and other industries within the town. Since publication of the preparatory papers the amount of available Phase 1 land has also dramatically decreased, with some of the Phase 1 remaining lands containing development constraints, such as:*

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

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

## Remedy

We recommend that most up to date evidence is used to inform the Draft Plan Strategy. At a minimum, we request that the Council amend the Settlement Appraisal maps and Appendix 1 of the Draft Plan Strategy to reflect the most up to date situation on the ground.

We recommend also that all uncommitted lands within and immediately abutting the settlement limit are assessed for the potential of zoning and/or re-zoning with regards to the provision of future housing land for the plan period.

We recommend the removal of the phased approach of housing allocation across the Plan area. Contrary to the Plans justification, overtly restricting the availability of housing development lands leads to land banking and increased land prices, which directly affects housing availability and housing affordability.



**Conclusion**

We trust that this representation is in order and wish to acknowledge our intention to represent our clients with oral evidence at the Public Examination.

*Sheila Curtin, MRTPI PRINCIPAL 2PLAN NI  
Chartered Planning & Engineering Consultancy*

Attached: MUPOP/331, MUPOP/329, MUPOP/328



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

**Mid Ulster Local Development Plan 2030  
Preferred Options Paper Representation  
January 2017**

Topic:	Cookstown -Settlement Limit
2Plan NI representation ref. no.:	17-0008/1
Land owner name:	Mr. & Mrs. Kennedy
Land owner address:	112 Drum Road, Cookstown,
Site address:	Lands surrounding no. 112 Drum Road, Cookstown, BT80 9DN.

Dear Area Plan Team,

We have been instructed by Mr. & Mrs. Kennedy to submit the following representation on their behalf. **We cordially request that the lands denoted in figure 1. below are retained within the Cookstown settlement limit.**

Figure 1. Aerial image of site (approximate position of site outlined in red) Not to scale.



Figure 2. Aerial image of site within wider context (approximate position of site outlined in red)

Not to scale.



The site in question has historically been located within the settlement limit of Cookstown. It is intended that any future development within the site, would be considered as 'Windfall' development and could easily be absorbed into the fabric of the town, through infilling or rounding off and consolidation of the existing surrounding townscape.

#### Site Description

The submission site consists of a large plot with direct accesses onto the A505 Cookstown to Omagh Road. A two storey roadside dwelling forms part of the frontage of the plot. To the rear of the dwelling are a number of stable blocks, a barn and yard. The remainder of the land is mostly in grass and is used to graze horses. Views into and out of the subject site are set against the backdrop of industrial lands and residential properties, including the Derryloran Industrial Estate. There are no obvious development constraints to this holding.

Given the sites current and historic inclusion within the settlement limit, its existing built footprint, and the ability for any future development to contribute to rounding off, we wish for the site to be kept within the settlement limit under the new draft Area Plan. This submission is not exhaustive and we reserve the option to submit further information at subsequent area plan stages.

Kind regards,

Sheila Curtin, MRTPI PRINCIPAL 2PLAN NI  
Chartered Planning & Engineering Consultancy

**For and on behalf of Mr. & Mrs. Kennedy.**

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

**Mid Ulster Local Development Plan 2030  
Preferred Options Paper Representation  
January 2017**

Topic:	Policy Trans 3- Access on to Protected Routes
2Plan NI representation ref. no.:	17-0008/2
Land owner name:	Mr. & Mrs. Kennedy
Land owner address:	112 Drum Road, Cookstown,
Site address:	Lands surrounding no. 112 Drum Road, Cookstown, BT80 9DN.

Dear Area Plan Team,

We have been instructed by Mr. & Mrs. Kennedy to submit the following representation on their behalf.

Our clients welcome the preferred options paper's acknowledgement that there is no real evidence to suggest that there is no need to tighten the policy for Protected Routes. We suggest that the draft area plan should go one step further and remove Protected Routes policy within all designated settlements.

This submission is not exhaustive and we reserve the option to submit further information at subsequent area plan stages.

Kind regards,

Sheila Curtin, MRTPI PRINCIPAL 2PLAN NI  
Chartered Planning & Engineering Consultancy

**For and on behalf of Mr. & Mrs. Kennedy.**

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

**Mid Ulster Local Development Plan 2030  
Preferred Options Paper Representation  
January 2017**

<b>Topic:</b>	Cookstown -Settlement Limit
<b>2Plan NI representation ref. no.:</b>	17-0008/3
<b>Land owner name:</b>	Mr. & Mrs. Kennedy
<b>Land owner address:</b>	112 Drum Road, Cookstown,
<b>Site address:</b>	Lands to the west of no. 112 Drum Road, Cookstown, BT80 9DN.

Dear Area Plan Team,

We have been instructed by Mr. & Mrs. Kennedy to submit the following representation on their behalf. We cordially request that the lands denoted in figure 1. below are included within the Cookstown settlement limit, and zoned as phase 2 housing land zoning.

**Figure 1. Site Location Map.**



In general, my clients support the objectives and preferred options as set out in the Preferred Options Paper. It is acknowledged that the Mid Ulster District, has prepared its preferred options based on a capacity led approach that seeks to accommodate development within the district in a sustainable approach that assists regeneration and is in keeping with the Housing Growth Indicators. It is however with regret that any decision to accommodate additional land for housing in excess of the predicted HGI figures is outside the remit of this options paper.

Importantly, we welcome the commitment by Mid Ulster Council to undertake a full survey of zoned housing lands to test whether the owners of the existing zonings are willing to provide the land for future housing development. Local knowledge would indicate that land banking of suitably zoned sites is indeed restricting the supply of available sites. We would like to take this opportunity to inform Mid Ulster Council that Mr. & Mrs Kennedy would be willing to make available for sale any rezoned lands at market value for the purposes of development.

This submission is put forward on the following site specific grounds:

- The site is sandwiched between substantial built up areas on both sides. The eastern site boundary forms the Settlement limit of Cookstown and its associated built fabric, and to the west is a substantial cluster of mixed use developments, including residential and commercial premises.
- The site is positioned in a sustainable location, within walking distance to high employment areas, and is easily accessible to all other services and amenities.
- A public footpath extends along the entire frontage of the site, linking the site to Cookstown town centre.
- The site is directly accessed onto the Cookstown to Omagh Road, providing strategic links to the remainder of the District and beyond.
- The site is relatively flat with no major gradient differences.

- The site is well drained with no issue of flooding.
- The submission site does have an impact on any historic or other designations.

If as a result of the existing housing development land survey or perhaps political pressure, additional land was sought for residential zoning within Cookstown our clients would welcome the inclusion of their lands within such a zoning.

This submission is not exhaustive and we reserve the option to submit further information at subsequent area plan stages.

Kind regards,

Sheila Curtin, MRTPI PRINCIPAL 2PLAN NI  
Chartered Planning & Engineering Consultancy

**For and on behalf of Mr. & Mrs. Kennedy.**