

Roisin McAllister

From: Michael Clarke [REDACTED]
Sent: 24 September 2020 15:41
To: DevelopmentPlan@midulstercouncil.org
Cc: Planning@Midulstercouncil.org
Subject: Local Development Plan 2030 - Draft Plan Strategy - Representation
Attachments: Mid Ulster Draft Plan Strategy Representation.pdf

Follow Up Flag: Follow up
Flag Status: Completed

Good Afternoon,

Please find attached a representation in the relation to Mid – Ulster District Council’s Local Development Plan 2030 - Draft Plan Strategy public consultation process.

We would be grateful if you could acknowledge receipt of this submission.

Kind Regards
Michael Clarke
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O'Callaghan PLANNING

Adding Value Through Quality Design

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

24th September 2020

Dear Sir / Madam,

Local Development Plan 2030 – Draft Plan Strategy - Representation

I refer to the above-mentioned Draft Plan Strategy and to your invitation for submission of representations as part of the public consultation process. This representation sets out the aspects of the Mid – Ulster District Council Draft Plan Strategy (dPS), which we consider to be sound and unsound on the basis that the compliance tests have not been met and a number of policies contained within the dPS that do not satisfy the tests of soundness as set out in the relevant legislation and guidance notes.

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		Policy HE 12 Policy HE 14 Policy SCA 1 Policy FLD 4 Policy FLD 5 Policy AFR 2	Unsound Unsound Unsound Unsound Unsound Unsound
(v)	Proposals Map	Map 1.2 Map 1.3 Map 1.4	Sound Sound Sound
(vi)	Site Location		

Having regard to Development Plan Practice Note 6, we consider the following test(s) have not been met

Issue	Soundness Test (No.)	Reason for unsoundness
Para. 4.10	CE3 ,CE4	Does not recognise the need to consolidate development or round off unnatural edges, does not appear to show consideration for sites with relevant planning history.
SPF 2	C4, CE4	Infers that with growth being focused upon main centres it will be diverted from villages and small settlements.
Para. 4.12	C4, CE4	This presumes all existing zonings remain needed.
Para. 4.15	C4, CE4	Proposes to double the urban growth in three hubs - this will likely be at the expense of other areas and will result in a decreased allowance for the countryside.
Para. 4.17	C4, CE4	Does not recognise the need to consolidate development or round off unnatural edges; does not appear to show consideration for sites with relevant planning history.
Para. 4.23	C4, CE4	Providing for a level of growth commensurate with existing number of households does not recognise social housing need, and does not recognise that additional housing will be needed as a result of new employment opportunities.
Para. 4.26	C4, CE4	Does not recognise the benefits of bringing a rural enterprise into a settlement, where it is located just outside same.
Para. 7.24	C4, CE4	Sets an arbitrary limit for rear separation distances, with no latitude given for imaginative design solutions.
Para. 7.25	C4, CE4	Tandem development should not always presume against as often there are no adverse effects.
Para. 7.26	C4, CE4	Rate of social housing may be considered excessive if applied on an arbitrary basis.
Para. 7.31	CE4	Does not allow for flexibility.
Para. 7.33	CE4	Does not allow for flexibility.
Policy HOU 4 (c)	C4, CE4	Does not allow for conversion of buildings smaller than 150m ² but which could potentially accommodate conversion to smaller units.
Policy HOU 4 (e)	C4, CE4	If taken literally, would preclude access from the side.
Policy CT 2 (a)	C4, CE4	Does not allow neatly for the development of a fourth innard to a crossroads for example; does not provide neatly for clustering where there is a substantial structure but not a building.
Policy CT 2 (b)	C4, CE4	Does not allow for situations where there is a small strip of land to the front of a site, or where a dwelling presents onto a road but only its access actually adjoins the road.
Policy CT 2 (c)	C4, CE4	Does not provide for the replacement of buildings which no longer display the characteristics of dwelling houses.
Policy CT 2 (d)	C4, CE4	Does not provide for conversion of buildings that are substantial, which may be modern but non-traditional.

Policy CT 2 (e)	C4, CE4	Too long between opportunities; does not anticipate farms with no buildings or only one building.
Policy CT 2 (f)	C4, CE4	Does not allow neatly for a site that is opposite or beside but not directly abutting other development.
Policy OS 2	C4, CE4	10m biodiversity strip is inflexible and does not allow for local circumstances.
Policy ECON 2c	C4, CE2	Economic Development Zone / Coalisland Opportunity Site not explicitly mentioned.
Policy ECON 2e	C4, CE4	Demonstration that relocation is not possible is required prematurely.
Policy ECON 3	C4, CE4	Does not allow for consideration of any other benefits.
Policy RE 3	C4, CE4	Threshold is too low; no scope for conversion that is already in some form of commercial use.
Policy RE 4	C4, CE4	Size is too small.
Policy RE 5	C4, CE4	Size is too small.
Policy RE 6	C4, CE4	Size is too small and does not allow for agricultural suppliers.
Policy RE 7	CE3, CE4	Does not provide for the conversion of a building that is in non-residential use and where offices would be preferable.
Policy TOU 1	CE3	Only allows for conversion of vernacular buildings.
Policy HE 10	CE3	Does not indicate the cost of refurbishment is relevant.
Policy HE 12	CE3	Does not indicate the cost of refurbishment is relevant.
Policy HE 14	CE3	Does not indicate the cost of refurbishment is relevant.
Policy SCA 1	C4, CE4	Does not acknowledge the avoidance of harm for rounding off and consolidating existing clusters of development or infill opportunities.
Policy FLD 4	CE3	Appropriate controls are not defined.
Policy FLD 5	C4, CE4	Fails to recognise that culverting is not always detrimental; Fails to recognise that applicants may already be in possession of a statutory consent to culvert a watercourse; Fails to distinguish between the size of the watercourse.

In addition to the foregoing we believe the following aspects of the DPD are sound and our comments are set out accordingly

Issue	Soundness Test (No.)	Reason for support
Para. 4.14 / Maps 1.2 & 1.3	CE2, CE4	Economic land much needed in rural areas, however further designations should be considered e.g. Ballynakilly.
Para. 4.22 / Map 1.4	CE4	Economic activity will benefit the District, and a degraded landscape will be restored. Text needs to be revised to provide for future opportunities within this site however.
Para. 4.37	CE2, CE4	Employment opportunities need provided in rural areas but the designations need to be increased / expanded upon to allow for other sites in the District.
Para. 15.12	CE4	Sound but more TOZ's need identified.
TOU 3	CE3	Supported but needs clarification that tourist asset might occasionally fall inside a settlement limit and new development is proposed outside development limit.
Policy AFR 2	CE4	Supported but needs modified to provide for certain other forms of development that are not buildings e.g. yard etc.

Whereas we consider the DPD to be unsound, we believe that it could be made sound if account was taken of the following:

Issue	Suggested amendments
Para. 4.10	Achieving a coherent edge, with regular boundaries and the orderly continuation of the boundary; Respecting sites with relevant planning history and acknowledging that they might be more suitable for development than other sites closer to settlement centres etc. due to constraints.
SPF 2	Confirm that growth will not be diverted from villages and small settlements.
Para. 4.12	Protect existing zonings where necessary.
Para. 4.15	Consider a lower rate of urban growth (in the three hubs).
Para. 4.17	Confirm that priority will also be given to sites with relevant planning history; prioritise fringe sites that are surrounded by other development; prioritise sites that are in or adjacent to settlements that are to be expanded for new economic development.
Para. 4.23	Allow for additional growth on the basis of potential large-scale developments, which will create additional employment (and demand for homes also).
Para. 4.26	Increase village limits and assign land for economic development where large-scale business is operating on the fringe of the settlement.
Para. 7.24	Emphasise that imaginative design solutions can sometimes resolve problems of this nature.
Para. 7.25	Allow for tandem development where sites are well screened or where imaginative design solutions can minimise any amenity impact.
Para. 7.26	Reduce the social housing requirement to 20% and allow for a reduction where a developer can make alternative provision nearby.
Para. 7.31	Confirm the circumstances under which a reduced provision might suffice.
Para. 7.33	Confirm that 10m deep rear gardens are not necessary in all circumstances.; Change wording to "should normally measure around".
Policy HOU 4 (c)	Reduce minimum size to 100m ² , on the basis that current living standards show that 2 no. flats could be achieved in a 100m ² building.
Policy HOU 4 (e)	Provide for side access where appropriate and alternative access only in exceptional circumstances.
Policy CT 2 (a)	The site should be opposite, adjacent to, or abut, other development in the cluster (Note: development, not buildings).
Policy CT 2 (b)	The gap must be between buildings that present onto or are accessed from or are visually linked across the same frontage; Plots should respect the sizes of at least one of the adjacent plots on the frontage.
Policy CT 2 (c)	Where the building no longer displays the essential characteristics of a dwelling, applicants will be expected to provide evidence that the property was in fact a dwelling previously.

Policy CT 2 (d)	Suitable buildings can include former school houses, churches, older or traditional barns and / or outbuildings. Steel framed agricultural buildings will not be eligible for conversion however individual buildings will otherwise be judged on their own merits.
Policy CT 2 (e)	Reduce the period to 6 years (i.e. one dwelling every six years, up to a maximum of 4 sites in total on the farm); to clarify that where a farm has no buildings then the site must have adequate means of enclosure, and where there is only one building then it will be expected to cluster with this one building.
Policy CT 2 (f)	The site shall bound, or be located opposite or adjacent to other development on at least two sides.
Policy OS2	On greenfield sites in areas that are not presently built up, applicants may be expected to provide a biodiversity strip up to 10 metres in depth.
Policy ECON 2c	Include EDZ / Opportunity Site within the list of exceptions.
Policy ECON 2e	Proposals for major expansion will be expected to demonstrate why relocation is not possible; Needs to recognise that some existing enterprises might be on small sites so for these it should not be necessary to consider relocating before expanding.
Policy ECON 3	Elsewhere change of use might be permitted where there is no local need to protect it for employment purposes and / or where redevelopment would result in economic, recreational, social or environmental benefits.
Policy RE 3	Increase to 200m ² for an assessment of available / alternative sites; allow town centre uses in buildings that are already in non-residential use e.g. vacant pubs etc.
Policy RE 4	Should be increased to 200m ² .
Policy RE 5	Should be increased to 200m ² .
Policy RE 6	Should be increased to 200m ² and provision made for other countryside-orientated uses e.g. farm supplies etc.
Policy RE 7	Allow for the conversion of a vacant non-residential building outside centres.
Policy TOU 1	
Policy HE 10	Exceptional reasons include where it is proven not to be economically viable to refurbish, and / or where the scale of intervention is such that the proposal cannot be truly described as refurbishment.
Policy HE 12	Exceptional reasons include where it is proven not to be economically viable to refurbish, and / or where the scale of intervention is such that the proposal cannot be truly described as refurbishment.
Policy HE 14	Exceptional reasons include where it is proven not to be economically viable to refurbish, and / or where the scale of intervention is such that the proposal cannot be truly described as refurbishment.
Policy SCA 1	To allow for development that would round off or consolidate other existing development at an informal cluster of buildings.
Policy FLD 4	Distinguish between privately managed reservoirs and those managed by a public body / statutory agency; Make it clear that where public bodies /

	<p>statutory agencies are involved in the monitoring process, that it is likely that any remedial works necessary will be undertaken within a reasonable time frame (at present developers are expected to provide a Condition Assurance, which is not always possible due to public authorities' programming schedules); Recognise that at present reservoir owners have a legal responsibility to safely manage and maintain their reservoirs.</p>
<p>Policy FLD 5</p>	<p>Provide for exceptions: Where an applicant already has consent for culverting from Rivers Agency, regardless of whether the reasons for so doing are connected to the planning process; Where the development would have no adverse impact (on landscape quality / ecology / biodiversity / flooding elsewhere); Where the watercourse is minor or undesignated; Where the maintenance of the watercourse will have a disproportionate effect on the development potential of the site.</p>

Whereas we are seeking a change to the DPD, we would be grateful if our representation can be dealt with by

Written Representation

Oral Hearing

Signed

Position

Date

