

ANNEX B – Response Pro-forma

Name: EAMONN LOUGHREY

Address: 15 Cleaver Park, Belfast, BT9 5HX


Original Representation Reference Number: MUDPS/119 (for administrative use only)

Please tick the applicable box below.

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

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

- c) I confirm that I wish for my original representation to be withdrawn and that I no longer wish to make a representation.

Signature 

Date: 16/5/2020

If you require assistance when completing the above, please contact developmentplan@midulstercouncil.org

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

Elaine Mullin

From: Eamonn Loughrey <[REDACTED]>
Sent: 18 April 2019 18:02
To: DevelopmentPlan@midulstercouncil.org
Subject: Re: Mid Ulster Development Plan Draft Plan Strategy
Attachments: Final Clay Works Submission.pdf

Dear Sir/Madam

MID ULSTER DEVELOPMENT PLAN - REPRESENTATION ON DRAFT PLAN STRATEGY

On behalf of my client Keenan CF please find enclosed a representations to the Mid Ulster Council Draft Plan Strategy in respect of the former Clay Works, Coalisland.

Please acknowledge receipt.

Regards

Eamonn Loughrey
[REDACTED]

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 4pm on 19th April 2019 to:

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

Or by email to developmentplan@midulstercouncil.org

Please complete separate form for each representation.

SECTION A

1. Personal Details

Title

First Name

Last Name

Job Title
(where relevant)

Organisation
(where relevant)

2. Agent Details (if applicable)

Address Line 1		15 Cleaver Park Belfast
Line 2		
Line 3		
Line 4		
Post Code		BT9 5HX
Telephone Number		[REDACTED]
E-mail Address	[REDACTED]	

SECTION B

Your comments should be set out in full. This will help the independent examiner understand the issues you raise. You will only be able to submit further additional information to the Independent Examination if the Independent Examiner invites you to do so.

3. To which part of the DPD does your representation relate?

- (i) Paragraph 4.22
- (ii) Objective _____
- (iii) Growth Strategy/
Spatial Planning Framework SPF - 3
- (iv) Policy _____
- (v) Proposals Map Map 1.4
- (vi) Site Location Coalisland

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

Sound Unsound

4(b). If you consider the DPD to be unsound, please identify which test(s) of soundness your representation relates, having regard to Development Plan Practice Note 6 (available on the Planning Portal Website at https://www.planningni.gov.uk/index/advice/practice-notes/development_plan_practice_note_06_soundness_version_2_may_2017_-2a.pdf.pdf).

Soundness Test No.

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 Sheet.

(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 Sheet.

(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 : Keenan CF

Date: 19th April 2019

Site: Clay Works, Coalisland.

Designation: N/A

Policy: SPF 3

Paragraph: 4.22

Map: 1.4 Opportunity Site for Mixed Recreation with Supporting Economic Mixed Use Development

Introduction

This objection is made against the Mid Ulster draft Plan Strategy (dPS) and the dPS comments/designation on lands at the former Clay Works, Coalisland.

Draft Plan Strategy (dPS)

Our clients note the Council's recognition of their lands in Coalisland as an Opportunity Site for Mixed Recreation with Supporting Economic Mixed Use Development as set out in Map 1.4 in the dPS.

The Council comment on this site at paragraph 4.22 stating *"In Coalisland the former clay works site is identified in this Plan as a mixed use opportunity site for recreation with supporting economic mixed use development. The extent of the planning permission granted for this site in Coalisland is identified as an opportunity site on Map 1.4 and the planning conditions attached to that planning permission Reference:LA09/2016/1307/F identifies the Key Site Requirements to be addressed for the development of the site"*.

We welcome the Council's decision to provide special status to these lands however we consider further policy changes are needed.

Planning History and Established Land Use

As the dPS states, the site benefits from permission LA09/2016/1307/F for a new race track. In determining the application, the Council defined the site as follows:

"The proposed site comprises areas of exhausted clay and coal pits located on the Western edge of Coalisland. The site was previously known as the 'Clay Pits' or 'Tyrone Brickworks site' and which was previously owned by Roadstone plc. Building bricks and clay pipes for construction, were manufactured on site, with aggregates extracted, over a hundred year period.

Prior to this, the site has a long history of industrial workings, including coal mining.
[Emphasis Added]

Also in recent years permission was granted for the Certificate of Lawfulness of Proposed Use or Development LA09/2015/0968/LDP which certified that imported inert material for the purposes of making secure the steep bank along the Lower Lake through the operation of filling in the interest of land stability was issued on 14th December 2015. The Certificate was approved as the Planning (General Permitted Development) Order (Northern Ireland) 2015 Part 17 allows development ancillary to mining operations as permitted development and hence planning permission was not required.

The Council acknowledge that the site has a mixed use of mining operations and industrial use. It is against this context that the proposed allocation and policy should be considered.

Policy Context

The Clay Works is in the countryside on the edge of Coalisland as defined in the Dungannon and South Tyrone Area Plan (DSTAP).

The SPPS Regional Strategic Objective (SPPS paragraph 6.152 bullet 3) states *“Secure the sustainable and safe restoration, including the appropriate re-use of mineral sites, at the earliest opportunity”*.

PPS 4 Planning and Economic Development policy PED 4 Redevelopment of an Established Economic Development Use in the Countryside applies. 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.

SPPS paragraph 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”*.

Policy Interpretation

Strategic policy invites a flexible approach to former mineral sites such as the Coalisland Clay Works.

We therefore consider the Council should provide increased flexibility in what would form an appropriate re-use of these lands. The planning permission referred to the dPS is for a race track. That is a specific type of proposal and is only one way that these lands could be developed. There are clearly other ways the lands could be developed and indeed, given the size of the site, there may be a variety of complementary uses that the lands could be used for.

It is inappropriate to therefore apply the conditions of the race track consent to the dPS as Key Site Requirements as those requirements may not apply to all of the site, or indeed all forms of appropriate development. Moreover, the boundary of the site in MAP 1.4, follows the race track permission. Again, it would be more appropriate to include all of the former Clay Works lands within the site, and promote a variety of mixed uses on the lands (in total or in part).

The history of the site is as a former industrial lands and it should benefit from the positive policy approach set out in PPS 4 policy PED 4. This invites alternative uses for the site under extant policy.

However, there are two sound grounds to include the Clay Works within the settlement for Coalisland.

First is the fact that the Clay Works has historic association with Coalisland. The fact that this site is located on the edge of Coalisland in the most recent iteration of the DSTAP is not a

reflection of the role and function of the Clay Works which has a clear historical, social and economic connection to Coalisland and would have been a main source of employment for the town. Historically, the community would consider it to form part of the town. The decision to exclude it from the settlement boundary, when it provided long term employment to the town would have been a planning decision unreflective of the role of the Clay Works. The historical association of the Clay Works to Coalisland justifies including it within the settlement boundary.

Second, at a time when the Clay Works needs to be regenerated, excluding the lands 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 Clay Works was brought within the settlement limit of Coalisland, it would benefit from a less restrictive planning policy control and would be more commercially attractive to economic development investment.

The SPPS paragraph 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”*.

Moreover, given the scale of the site, there would be good grounds to identify areas within the site that might be given over to supporting uses that might make the restoration of other part of the lands viable. There would be grounds to include part of the lands for residential use, while other areas might be considered for industrial use and other areas recreational use.

Tests of Soundness

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

The Council have not taken full account of the requirements of SPPS and in particular PPS 4. Under PPS 4 given the former industrial use of these lands means it can be redeveloped for industrial use.

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

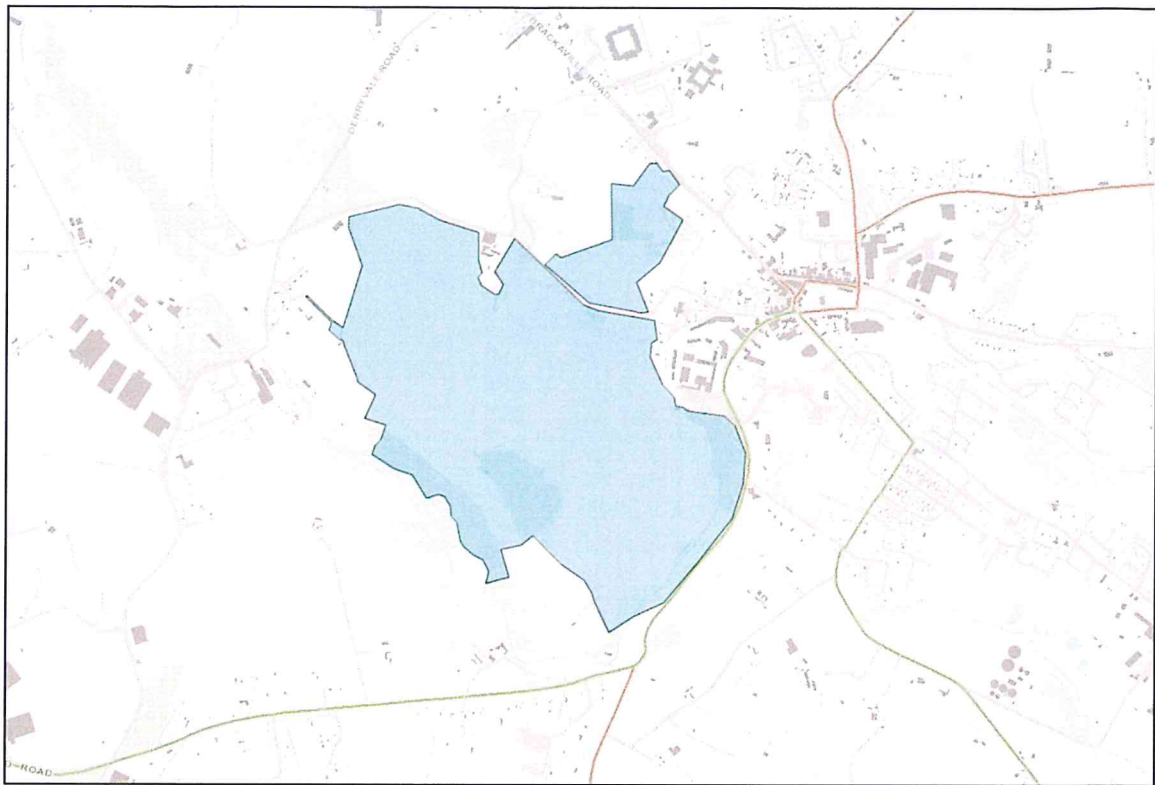
The Clay Works site is a significant site, and it is unknown what future uses might come forward that could deliver the economic investment boost and the environmental improvements that the site could yield. The approval for the race track proposal is only one example of a use that has come forward, however there are many others that would come forward if the site's planning status was favourable. The ultimate objective of the Council as set out in the dPS Spatial Planning Framework SPF 3 (dPS page 39) is to *"consolidate the role of the local towns of Coalisland and Maghera as service centres for their hinterlands providing development opportunities for housing, employment and leisure activities, in keeping with the scale and character of these areas"*.

The dPS does not fulfil this objective, nor comply with the SPPS if it does not provide a more flexible approach to the Clay Works.

What is Needed to Make the Plan Sound?

To make the Plan sound, the Clay Works should be included within the Settlement Limit of Coalisland and the designation should state as follows:

In Coalisland the former clay works site is identified in this Plan as a mixed use opportunity site for housing, industry and other economic mixed used development and recreation use with supporting economic mixed-use development. The extent of the site is illustrated on the plan below. ~~planning permission granted for this site in Coalisland is identified as an opportunity site on Map 1.4 and the planning conditions attached to that planning permissions Reference:La09/2016/1307/F identifies the Key Site Requirements to be addressed for the development of the site"~~.



Map of Clay Works