

**ANNEX B – Response Pro-forma**

**Name: ANGELA WIGGAM**

**Address: 3 Joy Street, Belfast, BT2 8LE**


**Original Representation Reference Number: MUDPS/76 (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c) I confirm that I wish for my original representation to be withdrawn and that I no longer wish to make a representation.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:** 12 May 2020 .....

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

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

**Michael McGibbon**

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**From:** Catriona Blair <[REDACTED]>  
**Sent:** 18 April 2019 09:28  
**To:** DevelopmentPlan@midulstercouncil.org  
**Cc:** Angela Wiggam  
**Subject:** Submission of representation to Local Development Plan - Clanmil  
**Attachments:** MUDC DPS Representation Form Clanmil.pdf; Representations to Mid Ulster Council Draft Plan Strategy Clanmil April 2019.pdf

Dear Sir/ Madam

Please find attached representations to the Draft Plan Strategy on behalf of Clanmil Housing Association.

The attached Representation Report incorporates your LDP questionnaire as well as information to support our submission.

We would be grateful if you could acknowledge receipt of this representation by return of email.

Kind regards

Catriona

**Catriona Blair**  
Assistant Planner

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



**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
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**Representations must be submitted by 4pm on 19<sup>th</sup> April 2019 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 (w here relevant)

Organisation (w here relevant)

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

Address Line 1	Northern Whig House	Hamilton House
Line 2	3 Waring Street	3 Joy Street
Line 3	Belfast	Belfast
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Post Code	BT1 2DX	BT2 8LE
Telephone Number	028 9087 6000	028 9072 3900
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## 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/  
Spatial Planning Framework \_\_\_\_\_
- (iv) Policy GP1 & HOU2
- (v) Proposals Map \_\_\_\_\_
- (vi) Site Location \_\_\_\_\_

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

Sound  Unsound



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.

Refer to enclosed 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.

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Signature:  Date:

# **Representations to Mid Ulster District Council Draft Plan Strategy**

On behalf of Clanmil Housing Group

April 2019

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**Contact**

Angela Wiggam  
[REDACTED]

**Client**

Clanmil Housing Association

**Our reference**

CLAB3146

4 April 2019



## Executive Summary

1. This representation is submitted on behalf of the Clanmil Housing Group who welcomes the opportunity to submit comments on the draft plan strategy issued by Mid Ulster District Council (MUDC).
2. Clanmil is an ambitious Housing Association whose vision is that everyone should have a great home. The Association continues to invest in the delivery of new homes for all members of society in need which in turn supports the local community and wider economy.
3. Clanmil is passionate about good design and place shaping that supports the ambition of MUDC of promoting mixed tenure neighbourhoods that are safe and welcoming for all.
4. We support the ambition and drive of MUDC in terms of its vision for the Council area but having reviewed and considered the Local Development Plan as issued, we consider the Plan to be unsound. The legal compliance tests have not been met, and the following policies contained within the Draft Plan Strategy are unsound. The table below summarises the changes sought.
5. We appreciate that this draft Plan Strategy is the first, Local Development Plan prepared by MUDC and offer these comments as a ‘critical friend’ who is keen to see the smooth progression of the draft Plan Strategy from a consultation document to an adopted Plan Strategy.

### *Schedule of Key Comments*

Policy	Comment	Cross ref.
GP1	<p><i>General Principles Planning Policy</i></p> <p><b>Change required:</b></p> <p><i>Redraft criterion (c) of GP1 in tandem with deleting Policy UD1. Text should explicitly request the submission of a Design Concept Statement for residential planning applications and a Design &amp; Access Statements for major development proposals. References to a height restriction within supporting text should be deleted</i></p>	<p><i>Section 3 paragraphs 3.1 – 3.9</i></p>
HOU2	<p><i>Quality Residential Developments</i></p> <p><b>Change required:</b></p> <p><i>The policy should be redrafted (in parts) and supported by robust evidence to underpin proposed thresholds. Further evidence should be prepared to demonstrate the coherence of the overall strategy and how HOU2 emanates from it</i></p>	<p><i>Section 4 paragraphs 4.1 to 4.29</i></p>

# 1. Introduction

- 1.1 Turley submits this representation on behalf of Clanmil Housing Association, and welcomes the opportunity to return comments on the Mid Ulster District Council.
- 1.2 In line with Council's procedures, each representation is set out on a separate page within each of the Chapter headings with the policy clearly identified.
- 1.3 The structure of the submission is as follows:
  - **Chapter 2:** Provides an assessment of how the draft Plan Strategy addresses the legislative compliance tests;
  - **Chapter 3:** Details our representations to General Principles Planning Policy;
  - **Chapter 4:** Details our representations to Social Policies – Accommodating Growth); and
  - **Chapter 5:** Sets out our conclusions.

## 2. Legislative Compliance

2.1 In preparing their Draft Plan Strategy (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').

2.2 This section identifies weaknesses in the compliance of the draft Plan Strategy (dPS) with the Act and the Regulations.

### **Planning Act (Northern Ireland) 2011**

2.3 Under Part 2 (8) of the Act the Plan Strategy must set out:

- the council's objectives in relation to the development and use of land in its district;
- its strategic policies for the implementation of those objectives; and
- such other matters as may be prescribed.

2.4 The Act also stipulates that the Plan Strategy should be prepared in accordance with the Council's Timetable, as approved by the Department and in accordance with Council's Statement of Community Involvement. The publication of the dPS is in accordance with Council's timeline which had estimated Spring 2019, however we note that the period allowed for consideration of counter representations is likely to fall beyond that previously agreed with the Department of Infrastructure and the timetable may require modification.

2.5 In preparing a plan strategy, the council must take account of:

- "the regional development strategy;
- the council's current community plan
- any policy or advice contained in guidance issued by the Department;
- such other matters as the Department may prescribe or, in a particular case, direct, and may have regard to such other information and considerations as appear to the council to be relevant."

2.6 This representation identifies specific instances where, in particular, policy issued by the Department has not been taken in to account.

2.7 The Act also requires that the Council:

- “(a) carry out an appraisal of the sustainability of the plan strategy; and
- (b) prepare a report of the findings of the appraisal.”

## **The Planning (Local Development Plan) Regulations (Northern Ireland) 2015**

- 2.8 Regulation 15 identifies a schedule of the information that should be made available alongside the publication of the dPS. This includes:
- “such documents as in the opinion of the council are relevant to the preparation of the local development plan.”
- 2.9 We acknowledge that Council has prepared and made available its Preferred Options Public Consultation report which provides an insight as to how comments made to the Preferred Option Paper have been considered in the preparation of the dPS. Notwithstanding this there is insufficient supporting evidence to support a number of the proposed policies within the dPS and therefore the requirements of Regulation 15 have not been met. We identify the specific concerns within the remainder of this representation.

### 3. General Principles Planning Policy

#### Policy GP1 – General Principles Planning Policy

**Policy GP1 is unsound as the policy fails the tests of CE1 and CE4**

**The policy is incoherent and has the potential to give rise to confusion as design policies are referenced within both GP1 and UD 1 : Urban Design, with a restriction on height noted within the policy justification and amplification of UD 1 and not in the main policy or GP1**

**We respectfully seek that design policies are contained within one overarching policy in order that the plan strategy can be read and interpreted in a logical manner**

#### **Full Response**

- 3.1 GP1 is a criterion based policy which applies to all future planning applications, irrespective of type. The policy sets out a positive presumption to granting planning permission for development proposals which accord with the Local Development Plan and can demonstrate that there is no demonstrable harm to 10 criterions.
- 3.2 Clanmil Housing Group welcomes this positive planning policy; however we consider criterion (c) to be unsound.
- 3.3 Criterion (c) Siting, Design and External Appearance sets out prescriptive requirements to be met which largely mirror that presented in UD1. An extract of criterion (c) is presented below together with our assessment of the policy against the wording of UD1.

#### ***(c) Siting, Design and External Appearance***

New development should respect its surroundings and be of an appropriate design for the site and its locality. It should be sited having regard to its relationship with existing buildings and the visual effects of the development on the surrounding area and where applicable, the landscape. *[This largely reflects the wording within the first bullet of UD1].*

Development should:

- in the urban setting have regard to the street scene and pattern of development *[Largely reflects the wording and spirit of the first bullet point in UD1]*
- in the countryside, have regard to the character of the area, the local landscape and not rely primarily on new landscaping for integration. *[Not applicable]*

Where relevant, consideration will be given to:

- the size, scale, form, massing, height, and density of the development and
- the external appearance which should have regard to the locality in terms of style, fenestration, materials and colours. *[These two aspects reflect the wording of the third bullet point in UD1].*

3.4 The starting premise of UD1 is that developers will be expected to demonstrate through a Design and Access Statement how a development proposal meets the policy requirements. There is no reference to this within GP1 nor does UD1 acknowledge that within the Planning Act (Northern Ireland) 2011 the requirement to provide a Design & Access only applies to major development proposals, or applications within designation or sensitive locations.

3.5 Within the policy justification and amplification to UD1 (on page 101) reference is made that new development *must* respect the prevailing building height within the settlement which is mainly 2- 3 storey. The text references that exceptionally consideration may be given to taller buildings if this is demonstrated through the provision of a Design & Access Statement.

**Recommendation**

3.6 Clanmil fully supports the intent behind the GP1 and how it seeks to embrace the core planning principles set out in the Strategy Planning Policy Statement (SPPS).

3.7 We support the deletion of UD 1 on the basis that criterion (c ) of GP1 is redrafted to improve the coherence of the draft plan strategy; inserted text has been underlined to assist the reader.

*New development should respect its surroundings and be of an appropriate design for the site and its locality. It should be sited having regard to its relationship with existing buildings and the visual effects of the development on the surrounding area and where applicable, the landscape.*

*Development should:*

- *in the urban setting have regard to the street scene and pattern of development*
- *in the countryside, have regard to the character of the area, the local landscape and not rely primarily on new landscaping for integration.*

*Where relevant, consideration will be given to;*

- *the size, scale, form, massing, height, and density of the development and*
- *the external appearance which should have regard to the locality in terms of style, fenestration, materials and colours.*

*All planning applications for residential development should be accompanied by a Design Concept Statement unless the proposal is a major development proposal. All major development proposals must be accompanied by a Design & Access Statement*

- 3.8 This text should be detailed within the text box and any reference to the building height of new developments being limited to 2- 3 removed from the policy justification. Council has provided no evidence of a building height assessment within the Council area to support this.
- 3.9 All application should be assessed on their individual merits, and the removal of such wording provides flexibility to respond to any change in circumstances in accordance with soundness test CE4.

## 4. Social Policies

### Policy HOU 2 – Quality Residential Development

**Policy HOU2 is unsound as the policy fails the tests of C3, CE1, CE2, and CE4**

**The policy is not founded on a robust evidence basis which explains the rationale behind the first 3 criterion and the policy triggers associated with criterion 3. There is a tension between the policy criterion and the text detailed within the justification and amplification**

**Clanmil requests that Council reconsiders its evidence basis to support HOU 2 and its associated criterion.**

#### Policy Summary

- 4.1 HOU2 is a criterion based policy which encompasses 6 criterions to be addressed in respect of planning applications for residential development.

#### Criterion (i) & (ii)

- 4.2 These criterions relate to density levels within new developments and the separation distance between residential properties.
- 4.3 Both criterions read as single statements with no details provided on the policy requirements or test to be met; this information is set out within the supporting justification and amplification text. The lack of substantive detail within the policy text box gives rise to confusion and tension regarding the weight to be afforded to the information contained in the justification and amplification text.
- 4.4 Planning case law directs that policy should be clearly set out within the policy text box. The text detailed under the justification and amplification is a narrative to support the operation of the principal policy. In its current format the policy is unsound and fails soundness test CE1.
- 4.5 Criterion (i) is not founded on evidence which demonstrates that the density range set out in paragraph 7.20 is realistic and achievable having taking account of criterion (ii). We note the absence of evidence such as an urban capacity assessment which would have assisted in informing these two criterions. Criterion (i) and (ii) fail soundness test CE2.
- 4.6 Spatial Planning Framework (SPF) Policy 2 seeks to focus growth within the 3 main hubs. Paragraph 4.15 outlines Council's intention to double the % of households living within Cookstown, Dungannon and Magherafelt from 30% of the District households to 60%. In order to achieve this ambition, increasing housing density levels will be key. In the absence of evidence to support the proposed density figures it is unclear how coherent the plan strategy is and policies which flow from it, accordingly criterion 1 fails soundness test CE1.



### **Recommendation**

4.7 Clanmil fully supports the intent behind criterion (i) and (ii) and acknowledges that the Strategic Planning Policy Statement (SPPS) advocates the need for a housing strategy which provides for increased housing density without cramming in town and city centres and in other locations that benefit from high accessibility to public transport facilities (paragraph 6.137).

4.8 We would support criterion (i) being reworded to read:

*'An increase in the density of housing and mixed use developments will be promoted within town centres and other locations which benefit from high accessibility to public transport facilities'.*

4.9 In the absence of evidence to support the density bands the supporting text for criterion (i) – paragraph 7.20 should be moved to the Local Policies Plan (LPP) and clearly identified as a guide.

4.10 Criterion (ii) should be deleted and associated text at paragraph 7.24 moved to the Local Policies Plan (LPP) and clearly identified as a guide.

### **Criterion (iii)**

4.11 This criterion relates to the provision of a mixture of house types and tenures. No policy requirements or thresholds are set out within the criterion; this detail is noted in the policy justification and amplification.

4.12 Planning case law directs that policy should be clearly set out within the policy text box. The text detailed under the justification and amplification is a narrative to support the operation of the principal policy. In its current format the policy is unsound and fails soundness test CE1.

4.13 Further analysis and commentary on both aspects of this criterion are addressed separately under the respective titles of Mixture of House Types and Tenure.

### **Mixture of House Types**

4.14 The supporting justification and amplification sets out a threshold requiring that on sites of 25 units of more or on sites of 1 hectare and over, that a mix of residential units should be provided.

4.15 Clanmil Housing Group fully supports the intent of this policy which flows from the Regional Development Strategy 2035 and the SPPS. However, in its current format the policy does not meet the tests of Soundness for the following reasons:

- Reference is made within criterion (iii) to providing a mixture of housing types and paragraph 7.27 refers to *'catering for the needs of all families and small households, providing access for all'*. We note that no evidence base has been provided to support this criterion in the form of an assessment which analysed future household *size* and *type* (i.e age group) across the District; accordingly the policy fails soundness test CE2.

- It has not been demonstrated that the policy is coherent with aspects of the Spatial Strategy (policy SPF 2) and other proposed residential and design policies; the policy fails soundness test CE1.
- The policy is not founded on evidence which demonstrates how Council has tested the viability implications arising from the policy; the policy fails soundness test CE2.

#### **Tenure**

- 4.16 The supporting justification and amplification sets out thresholds relating to the provision of social housing requiring that any development of 50 units or more on sites of 2 hectares and over that social housing should be provided at a rate not less than 25% of the total number of units.
- 4.17 The requirements apply in locations where there is an identified social housing need identified by the relevant strategic housing authority until such times that the LLP bring forward sites with key site requirements addressing social housing needs.
- 4.18 Clanmil Housing Group fully supports and welcomes the intent of the policy which flows from the Regional Development Strategy 2035 and the SPPS. However, in its current format the policy does not meet the tests of Soundness for the following reasons:
- We note from the Public Consultation Report that discussions were held with the Northern Ireland Housing Executive (NIHE), however, Council has no evidence base to support the proposed threshold of 25% - the policy fails soundness test CE2;
  - There is a tension between the header within the justification and amplification and the associated text. The header associated with paragraphs 7.26 and 7.27 references '*Meeting the Needs of All – Provision of a Mixture of House Types and Tenures*' (underlining our emphasis), yet the paragraph only refers to social housing. This is at odds with the definition within the SPPS of affordable housing which pertains to social rented housing and intermediate housing – the policy fails soundness test C3;
  - No information has been provided to demonstrate how this criterion can respond to changing circumstances – the policy fails soundness test CE4 ;
  - It has not been demonstrated that the policy is coherent with other policies proposed, principally the other aspect of criterion (iii) and criteria (i) and (ii) – the policy fails the soundness test CE1.

#### **Recommendation**

- 4.19 Clanmil fully supports the intent behind criterion (iii) and acknowledges that the Strategic Planning Policy Statement (SPPS) advocates the need for a variety of house types and sizes and tenure to meet different needs in order to support balanced communities (page 70, SPPS).

- 4.20 We disagree however with Council's approach on this aspect and contend that the issue of housing type and size should only apply to affordable housing (as defined within the SPPS).
- 4.21 Criterion (iii) should be redrafted on this basis and focus solely on the promotion of a variety of housing tenures across the District, underpinned by a robust evidence base.

**Criterion (v)**

- 4.22 Relates to the provision of open space within residential developments of 25 units or more. As with other criterion the requirements or test to be met are not detailed in the policy criterion rather in the supporting justification. In its current format the policy is unsound and fails soundness test CE1.
- 4.23 We would recommend that Criterion (v) is redrafted that the policy test is contained within the criterion and information which is intended to be a guide moved to the Local Policies Plan (LPP) and clearly identified as such.

## 5. Conclusion

- 5.1 We support the ambition and drive of MUDC in terms of its vision for the Council area but having reviewed and considered the Local Development Plan as issued, we consider the Plan to be unsound. The legal compliance tests have not been met, and policies GP1 and HOU2 should be supported with robust up to date evidence in order to address the tests of Soundness.
- 5.2 Clanmil Housing Group thanks Council for this opportunity to respond and contribute to the draft Plan Strategy, and welcomes the chance to discuss our response with the Local Development Plan team.

**Turley Office**  
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028 9072 3900

**Turley**