

ANNEX B – Response Pro-forma

Name: EAMONN LOUGHREY

Address: 15 Cleaver Park, Belfast, BT9 5HX

Original Representation Reference Number: MUDPS/125 (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- c) I confirm that I wish for my original representation to be withdrawn and that I no longer wish to make a representation.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: 16/3/2020

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: 19 April 2019 10:07
To: DevelopmentPlan@midulstercouncil.org
Subject: Re: Mid Ulster Development Plan Draft Plan Strategy
Attachments: Final Inaltus Policies Submission.pdf

Dear Sir/Madam

MID ULSTER DEVELOPMENT PLAN - REPRESENTATION ON DRAFT PLAN STRATEGY

Please find enclosed a representations to the Mid Ulster Council Draft Plan Strategy in respect of the need to introduce flexibility into a number of policies.

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)

Eamonn

Loughrey

Inaltus Limited

Address Line 1	<input type="text" value="C/O Agent"/>	<input type="text" value="15 Cleaver Park"/>
Line 2		<input type="text" value="Belfast"/>
Line 3		
Line 4		
Post Code	<input type="text"/>	<input type="text" value="BT9 5HX"/>
Telephone Number	<input type="text"/>	<input type="text" value="██████████"/>
E-mail Address	<input type="text" value="████████████████████"/>	

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
- (iv) Policy
- (v) Proposals Map
- (vi) Site Location

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

Sound	<input type="checkbox"/>	Unsound	<input checked="" type="checkbox"/>
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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).

Soundness Test No. 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:

The following policies as drafted have no flexibility and are contrary to DPPN 06 criterion CE 4. Many of them are a repetition of regional planning policies, however the interpretation or recasting of the policies is not wholly reflective of the original policies. Many drop words that would allow flexibility for the Plan to accommodate changes in circumstances.

The inclusion of the word “normally” or provision of exceptions in planning policies, is necessary in many instances to ensure that there is no public misunderstanding of the Council’s planning policies. It is generally recognised that occasionally there will be circumstances where other material considerations may outweigh the Local Development Plan policies. The Council must retain the word “normally” in its policies in order that the public clearly understand that exceptions can on occasion be made.

The policies that require amendment are:

- Policy OS 2 – Protection of River Corridors
- Policy TOU 1 – Protection of Tourism Assets and Tourism Accommodation
- Policy HE 8 - Registered Historic Parks, Gardens and Demesnes
- Policy HE 9 - Change of Use, Alteration or Extension of a Listed Building
- Policy HE 16 - Local Landscape Policy Areas
- Policy NH 1 – International Designations
- Policy FLD 1 – Fluvial Floodplains
- Policy FLD 5 – Artificial Modification of Water Courses

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(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:

19 April 2019

Area Plan Objection

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

Objection made by: Inaltus Limited

Date: 19th April 2019

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.

Response

In order for the draft Plan Strategy to be sound the following polices need to have flexibility included to ensure the Plan Strategy can adapt to changing circumstances. We propose the following changes to the following policies.

POLICY OS 2 - PROTECTION OF RIVER CORRIDORS
<p><i>Proposals on sites adjacent to a main river will normally conflict with the plan unless it has been demonstrated that all the following criteria are met:</i></p> <ul style="list-style-type: none"> <i>a) a biodiversity strip of at least 10 metres from the edge of the river is provided and accompanied with an appropriate landscaping management proposal;</i> <i>b) public access and recreation provision is provided where appropriate;</i> <i>c) there is no unacceptable adverse impact on nature conservation;</i> <i>d) the proposal will not compromise or impact on the natural flooding regime of the main river and complies with the requirements <u>of</u> Flood Risk Policy; and</i> <i>e) any development would not prejudice an existing or future opportunity to provide a riverside walk.</i>

POLICY TOU 1 - PROTECTION OF TOURISM ASSETS AND TOURIST ACCOMMODATION
<p><i>Development shall normally conflict with the plan where it would in itself or in combination with existing and approved development in the locality have a significant adverse impact on a tourism asset.</i></p> <p><i>Proposals for new tourism development (facilities and / or accommodation) within Tourism Conservation Zones will conflict with the plan, except where;</i></p> <ul style="list-style-type: none"> <i>a) The proposal includes minor improvements to infrastructure such as walking and cycleways, fishing and canoe stands; or</i> <i>b) The proposal includes the provision of tourism accommodation or facilities through the re-use of existing vernacular buildings.</i> <p><i>Special care should be given to ensure that any proposal should respect and be sensitive to the character of the local landscape, wildlife and heritage interests.</i></p> <p><i>Important tourism accommodation will be protected from re-development and changes to other uses. These sites comprise of;</i></p> <ol style="list-style-type: none"> <i>1. The Glenavon Hotel, Cookstown</i> <i>2. The Greenvale Hotel, Cookstown</i> <p><i>and any other sites identified in the Local Policies Plan.</i></p>

POLICY HE 8 – REGISTERED HISTORIC PARKS, GARDENS AND DEMESNES

*Development which will lead to the loss of or cause harm to, the overall character, or principal components or setting of historic parks, gardens and demesnes will **normally** conflict with the Plan **unless the proposed development outweighs the value of the historic park, garden and demesne and their setting.***

POLICY HE 9 – CHANGE OF USE, ALTERATION OR EXTENSION OF A LISTED BUILDING

Change of use, alteration or extension of a listed building will only accord with the Plan where the development respects the essential character and architectural or historic interest of the building and its setting and those features of special interest remain intact and unimpaired.

*Development affecting the setting of a listed building will **normally** only accord with the Plan where it is sympathetic to the listed building in terms of scale, massing and alignment, utilising sympathetic materials and will not result in the loss of key views of the listed building.*

POLICY HE 16 – LOCAL LANDSCAPE POLICY AREAS

*Development within LLPAs will accord with the Plan providing it does not **significantly** harm the intrinsic environmental and heritage values and visual amenity values and historic landscape character, appearance or assets within it. Local Planning Policy for each LLPA will be a material consideration.*

POLICY NH 1 – INTERNATIONAL DESIGNATIONS

Planning permission will only be granted for a development proposal that, either individually or in combination with existing and/or proposed plans or projects, is not likely to have a significant effect on a European Site or a listed or proposed Ramsar site.

*Where a development proposal is likely to have a significant effect (either alone or in combination) or reasonable scientific doubt remains, the planning authority is required by law to carry out an appropriate assessment of the implications for the site in view of the site's conservation objectives. Only after having ascertained that it will not **have a significant** adversely affect **on** the integrity of the site, can the planning authority agree to the development and impose appropriate mitigation measures in the form of planning conditions.*

*A development proposal which could adversely affect the integrity of a European or Ramsar site may only be permitted in exceptional circumstances as laid down in the relevant statutory provisions. **In exceptional circumstances, a development which could adversely affect the integrity of a European or Ramsar Site may be permitted where:***

- There are no alternative solutions; and
- The proposed development is required for imperative reasons of overriding interest; and
- Compensatory measures are agreed and fully secured”

POLICY FLD 1 – FLUVIAL FLOODPLAINS

Development within the 1 in 100 year fluvial flood plain (AEP of 1%) will conflict with the plan unless the development comprises the following:

- *the development proposal constitutes a valid exception (as set out below under Exceptions heading) to the presumption against development in flood plains;*
- *is of overriding regional economic importance;*
- *is a minor non-residential development of less than 150 square metres;*
- *minor alterations or ancillary householder development associated with an existing residential development*

Exceptions for Defended Areas

- *Development of previously developed land protected by flood defences, as identified by Rivers Agency on their Strategic Flood Map.*

Exceptions for undefended Areas

- *replacement of an existing building;*
- *development for agricultural use, transport and utilities infrastructure which for operational reasons has to be located in the flood plain;*
- *water compatible development, which for operational reasons has to be located in the flood plain;*
- *use of land for sport and outdoor recreation, amenity open space or nature conservation purposes, including ancillary buildings but excluding children’s playgrounds and*
- *extraction of mineral deposits and necessary ancillary development*

The following types of development will not be treated as an exception and will conflict with the Plan where it comprises:

- *Essential infrastructure; ~~or such as power supply and emergency services;~~*
- ~~*Storage of hazardous substances;*~~
- *Bespoke accommodation for vulnerable groups such as schools, residential / nursing homes, sheltered housing; or*
- *Development located close to flood defences*

*Land raising/infilling, which involves permanently elevating a site to an acceptable level above the flood plain in order to facilitate development will not **normally** be acceptable within the fluvial flood plain, where displacement of flood water would be likely to cause flooding elsewhere.*

Where the principle of development within the flood plain is accepted, the applicant is required to submit a Flood Risk Assessment (FRA). Planning permission will only be granted if the FRA demonstrates that:

- all sources of flood risk to and from the proposed development have been identified; and
- there are adequate measures to manage and mitigate any increase in flood risk arising from the development.

A FRA may also be required when a site is close to the margins of the flood plain as depicted on the layer in Flood Maps NI and a more accurate definition of the extent of potential flooding is needed.

Where flood protection and /or management measures are required, as identified in a flood risk assessment, in order to facilitate development within flood plains (that have been accepted as an exception), the following will **normally** not be acceptable:

- New hard engineered or earthen bank flood defences;
- Flood compensation storage works;
- Land raising (infilling) to elevate a site above the flood level within the undefended.

POLICY FLD 5 – ARTIFICIAL MODIFICATION OF WATERCOURSES

Development proposals which require the artificial modification of a watercourse will conflict with the plan. Exceptions are where:

- Culverting of a short length of a watercourse ~~less than 10 metres~~ is necessary to provide access ~~of to~~ a development site (or part thereof);
- Such operations are necessary for engineering reasons, ~~as accepted by DfI Rivers, unconnected with any development proposal~~ and that there are no reasonable or practicable alternative courses of action.