

**ANNEX B – Response Pro-forma**

**Name: MICHAEL GRAHAM**

**Address: MONTGOMERY ROAD, BELFAST, BT6 9UP**

**Original Representation Reference Number: MUDPS/137 (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- c) I confirm that I wish for my original representation to be withdrawn and that I no longer wish to make a representation.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:** ..... 22nd September 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.**



Our Ref: A089311/MUDCLDP/MC

Date: 22<sup>nd</sup> September 2020

**Mid Ulster District Council  
Planning Department  
Local Development Plan Team  
50 Ballyronan Road  
Magherafelt  
BT45 6EN**

**By Email**

Dear Sir/Madam

**RE-CONSULTATION ON LOCAL DEVELOPMENT PLAN 2030 – DRAFT PLAN STRATEGY – REPRESENTATION NO: MUDPS/137 –FOR SPECIALIST JOINERY GROUP**

We refer to the above and your letters of **12<sup>th</sup> March 2020** and **16<sup>th</sup> July 2020** regarding the re-consultation on Council's Draft Plan Strategy and the extension of the re-consultation period until the **24<sup>th</sup> September 2020** in light of the COVID-19 pandemic.

We now write to confirm that we wish to amend our original representation, made on behalf of our client, **Specialist Joinery Group**, on **19<sup>th</sup> April 2019 (Council's reference MUDPS/137)**.

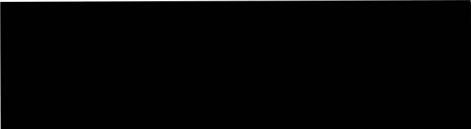
As such, we have enclosed an updated representation which supersedes that previously submitted and which we wish to be considered as our representation to Council's Draft Plan Strategy.

To assist we have also enclosed a completed copy of the proforma provided in your letter of 12<sup>th</sup> March 2020 confirming the above position.

We trust this assists Council and clarifies our position in relation to representation MUDPS/137 and the current re-consultation on Council's Draft Plan Strategy.

Yours sincerely,

Kind regards.

  
Matthew Crothers MRTPI  
**Associate**  
For and on behalf of WYG

Enc. As per above.

1 Locksley Business Park, Montgomery Road, Belfast, BT6 9UP  
Tel:   
Email: @wyg.com Website: [www.wyg.com](http://www.wyg.com)

## 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

Mid Ulster District Council Local Development Plan 2030 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	100 Coleraine Road Maghera	1 Locksley Business Park Montgomery Road Belfast
Line 2		
Line 3		
Line 4		
Post Code	BT46 5BP	BT6 9UP
Telephone Number	[REDACTED]	[REDACTED]
E-mail Address	[REDACTED]	

**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	Various - refer to enclosed submission
(ii) Objective	Various - refer to enclosed submission
(iii) Growth Strategy/ Spatial Planning Framework	Various - refer to enclosed submission
(iv) Policy	Various - refer to enclosed submission
(v) Proposals Map	N/A
(vi) Site Location	N/A

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.

Various - refer to enclosed submission

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 submission.

*(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 submission.

*(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:

22nd September 2020

**Submission of Representation on behalf of Specialist Joinery Group (SJG)  
Mid Ulster District Council (MUDC) Local Development Plan 2030  
Draft Plan Strategy Document**

**1.0 Introduction**

- 1.1 This representation is on behalf of '**Specialist Joinery Group**' ('SJG') and builds upon the previous submission on their behalf in relation to the Mid Ulster District Council ('MUDC') Preferred Options Paper ('POP'), made in January 2017.
- 1.2 As per the previous POP submission, in considering this representation, it is important to note that SJG operate from and own land at 100 Coleraine Road, Maghera.
- 1.3 This includes land identified as existing industrial (i.e. majority of existing SJG premises) and proposed industrial (zoning MA11: - most of which now already benefits from implemented planning permissions for SJG under the current Magherafelt Area Plan 2015 ('MAP')).
- 1.4 **Again, we reiterate that SJG is completely committed to delivering economic development and employment uses on these lands. MUDC must therefore ensure that these MA11 lands are protected, remain within the settlement development limit of Maghera in the new LDP and that any strategic policies facilitate this requirement.**
- 1.5 Furthermore, we would reiterate to MUDC that SJG has extensive plans for the development of the MA11 lands. This has already been witnessed by:
- Various planning permissions over the past number of years for SJG;
  - Significant investment and delivery of employment on these lands already undertaken by SJG with recent expansion of their existing premises as late as May 2018; and
  - The future development plans of a creche facility (currently being pursued under planning application LA09/2020/0010/F and pending) and a petrol filling station along the frontage lands of MA11 to the Coleraine Road/Moneysharvan Road (for which a planning application under LA09/2019/1027/F was submitted on 30<sup>th</sup> July 2019 and which was recently granted permission on 2<sup>nd</sup> September 2020).
- 1.6 An indicative concept masterplan at indicating the potential development of the MA11 lands is provided at **Appendix 1** of this response.

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1.7 On behalf of SJG we comment on the MUDC Draft Plan Strategy Document ('DPSD') on the following pages. To assist MUDC, our response follows the layout of the DPSD and sets out:

- that part of the DPSD to which our representation relates;
- whether we believe the DPSD to be sound or unsound;
- the soundness tests which we believe are applicable;
- details of why we consider the DPSD to be sound or unsound; and
- details of any changes we believe are necessary to make the DPSD sound.



## **2.0 Consideration of Draft Plan Strategy & Recommendations**

### **Section 3.0**

#### **Local Development Plan Vision and Objectives (pages 29 to 31)**

- 2.1 SJG believes that **Local Development Plan Vision and Objectives (pages 29 to 31)** of the DPSD are sound. SJG is supportive of the DPSD objectives and, in particular those, which aim:

***"To facilitate the creation of at least 8,500 new jobs by 2030 at a variety of locations where they are accessible to all members of the community, including those without a private car;***

***To promote diversity in the range of jobs on offer recognising the importance of employment in the primary sector (agriculture forestry and mining), secondary sector (industry and manufacturing) and tertiary sector (administration, commerce, retailing, leisure and tourism);***

***To recognise and accommodate entrepreneurship, innovation for large, medium and small firms by attracting new firms and accommodating expanding businesses".***

- 2.2 SJG own the vast majority of land currently zoned under MA11 in the MAP and has invested significantly in its future development through the delivery of infrastructure including: a right hand turn lane (designed and delivered to facilitate the future development of the entire MA11 zoning for employment uses) and drainage and sewage infrastructure etc., with the full development in mind.
- 2.3 Clearly, SJG is a major employer in the MUDC area having grown in recent years to circa 170No. employees following completion and delivery of planning permission **LA09/2015/1292/F** (for proposed Joinery Workshop extension including Fabrication workshops, stores, offices and service areas granted in July 2016). SJG's commitment to developing out the full potential of the MA11 lands within the timeframe of this LDP will further assist creating additional employment to the benefit of the MUDC area.
- 2.4 It is SJG's intention that any further job creation will not only be confined to traditional manufacturing roles, but will also be in relation to other compatible employment uses, such as



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- a creche facility and petrol filling station and associated units, which SJG is intending to pursue on the MA11 lands in the near future, as per planning application LA09/2020/0010/F and planning permission LA09/2019/1027/F.
- 2.5 The previous planning permissions achieved by SJG, the construction and delivery of same, and its intended future expansion, all align with and will facilitate the **Local Development Plan Vision and Objectives**.
- 2.6 Therefore, in order to assist in meeting the plan vision and objectives the existing MA11 lands as zoned within the MAP must be protected and remain within the settlement development limit of Maghera in the new LDP.

**Section 4.0**

**Growth Strategy and Spatial Planning Framework (pages 33 to 53)**

- 2.7 SJG is broadly supportive of the **Growth Strategy and Spatial Planning Framework** of the DPSD. It is noted that the Spatial Planning Framework reflects the Strategic Planning Guidelines (SPG's) of the MUDC POP and SJG, in particular, is supportive of **Spatial Planning Framework ('SPF') 3** of the DPSD which seeks to:

***"Consolidate the role of the local towns of Coalisland and Maghera as service centres for their hinterlands providing appropriate development opportunities for housing, employment and leisure activities, in keeping with the scale and character of these settlements".***

[our underlining emphasis]

- 2.8 However, SJG believes there are elements of the **Growth Strategy and Spatial Planning Framework** that are unsound, due to failing to meet tests **CE1** and **CE4 (Coherence and Effectiveness)** and which will make it difficult for **SPF3** to be fully met.
- 2.9 Paragraph 4.12 of the DPSD states:

***"The role of Cookstown, Dungannon and Magherafelt is to be strengthened as economic hubs. This means protecting existing economic zonings and providing economic zonings within them to ensure the creation of 8500 new jobs over the plan period through the provision of at least 170 hectares of economic development land distributed equitably across the three towns at a variety of locations suitable for a mixture of economic uses".***

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2.10 This is at odds with the plan objectives which seek to: ***"...facilitate the creation of at least 8,500 new jobs by 2030 at a variety of locations where they are accessible to all members of the community, including those without a private car"***.

2.11 This Objective suggests that no locations are excluded. When considered against what is stated at paragraph 4.12 differs and indicates that of the creation of the 8,500 new jobs will be across the three main hub towns of Cookstown, Dungannon and Magherafelt. Clearly, there is a lack of coherence between the objectives and the DPSD Growth Strategy and Spatial Framework. This must be clarified within the DPSD.

2.12 Paragraph 4.20 of the DPSD states:

***"The three hubs are supported by the local towns of Maghera and Coalisland. These centres are important both as residential centres and for providing employment. Given the range of services available in them they are capable of accommodating further growth, but only proportionate to their size and function. They are not seen as key centres for growth as they do not offer the range of services and facilities found in the three main towns"***.

2.13 Paragraph 4.21 of the DPSD continues:

***"Accordingly in zoning economic development land the primary aim is to provide opportunity for expansion clustered around existing provision or to provide economic activities on publicly owned land. However no specific allocation of economic land is made to the two local towns as schemes in the main would be privately led"***.

2.14 This reads that the opportunity for expansion clustered around existing provision will be promoted as part of the plan's growth strategy and spatial framework for the local towns, which includes Maghera. This is something SJG, given they have existing provision in Maghera under Zoning MA11 of the MAP, are supportive of.

2.15 However, whilst it is noted within the DSPD that allocations of economic development land are to be confirmed as part of the future Local Policies Plan, paragraph 4.21 of the DPSD also indicates that no specific allocation is to be provided for Maghera in terms of economic development land. Furthermore, paragraph 4.21 does not specifically indicate that existing



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zonings in the local towns will be protected, unlike the identified protection for existing economic zonings in the three main hubs at paragraph 4.12.

- 2.16 This focus on the three main hubs as opposed to the local towns is further confirmed by **SPF2** (page 37), which aims to:

***"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".***

- 2.17 Whilst SJG supports the opportunity for expansion clustered around existing provision as part of the SPFs for the local towns including Maghera, in order to meet **SPF3** and to provide flexibility for Maghera to play its role in supporting the three main hubs of Cookstown, Dungannon and Magherafelt, SJG believes that Maghera needs to be supported and adequately catered for in terms of land provision and have a specific allocation of economic land.

**Recommendation**

- 2.18 It is recommended that clarification is provided between the objectives of the plan and the growth strategy and Spatial Planning Framework in order to confirm where the creation of the required 8,500 jobs will be located. It is also recommended that Maghera is also supported with appropriate economic and employment land identified, specifically if MUDC is to meet **SPF3** going forward.
- 2.19 As such, it is recommended that a proportion of land to be allocated to the main hubs for economic development should be provided to the local towns in order to afford them flexibility in supporting the main hubs. SJG's land, zoning MA11 in the MAP remains extremely well placed to assist in providing future employment opportunities for Maghera and the wider MUDC area in the LDP.
- 2.20 To ensure protection of existing economic development land, such sites must be specifically identified for economic uses within the LDP as areas of existing industry. This is required in all cases and not just within the three main hubs. The existing MA11 lands as zoned within the MAP must be protected and remain within the settlement development limit of Maghera in the new LDP. In doing so **SJG** believe it would be in line with soundness tests **CE1 and CE4 (Coherence and Effectiveness)**.

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**Section 6.0**

**General Principles Planning Policy (pages 57 to 61)**

**Draft Policy GP1 - General Principles Planning Policy**

- 2.21 ***Draft Policy GP1 - General Principles Planning Policy*** is provided within the DPSD to ensure that the development of the MUDC District occurs in a sustainable way.
- 2.22 It sets out a number of general principles relating to development and provides that planning permission will be granted for sustainable development, where the proposal accords with the Plan and there is no demonstrable harm in relation to a number of specific areas including:
- amenity;
  - nature and scale of development;
  - siting;
  - design and external appearance;
  - advertisement;
  - meeting needs of people with mobility difficulties;
  - other infrastructural requirements;
  - landscape character;
  - biodiversity; and
  - planning gain and developer contribution.
- 2.23 Whilst the provision of a general principles planning policy is supported in broad terms, SJG believe that it is unsound in respect of its criteria (e) Access, Road Layout and Parking Provision (h) Landscape Character and (i) Biodiversity in that it fails to meet tests **C3 (Consistency)** and **CE4 (Coherence and Effectiveness)**. We expand below.
- 2.24 Criterion (e) Access, Road Layout and Parking Provision requires that:
- "Car parking should be provided in accordance with published standards as set out in supplementary guidance. An exception may be made where the proposal is located in a town centre or other highly accessible location well served by public transport or where there is spare capacity within nearby public car parks or adjacent on street car parking".***

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- 2.25 SJG welcome the use of the word 'should' as opposed to a more onerous 'shall'. This will hopefully allow for a more balanced decision-making process and a more common-sense approach to parking provision.
- 2.26 However, the reference to published standards and supplementary guidance is concerning. It is our position that dependence on DOE Parking Standards as published standards which are outdated and unreflective of what is required in reality means that this aspect of the General Principles policy fails to satisfy the test of **CE4 (Coherence and Effectiveness)** in that the policy does not incorporate an appropriate degree of flexibility to deal with changing circumstances.

**Recommendation**

- 2.27 SJG believe that this needs to be revisited in order to avoid placing undue reliance upon current published car parking standards which are outdated. Greater flexibility to this policy is needed as part of the DPSD in order that proposals are not unnecessarily restricted by current parking standards. Confirmation should also be provided as to whether MUDC intends to publish its own parking standards. SJG believe these clarifications are required in order that this aspect of the draft General Principles Planning Policy can be considered to be line with soundness tests **CE4 (Coherence and Effectiveness)**.

- 2.28 Criterion (h) Landscape Character requires that:

***"Development proposals should respect, protect and/or enhance the region's rich landscape character, features and sites designated for their landscape quality at any level. They should also reflect the scale and local distinctiveness of the landscape".***

- 2.29 Criterion (i) Biodiversity requires that:

***Development proposals should respect, protect and/or enhance the District's rich and distinct biodiversity and sites designated for their contribution to the natural environment at any level.***

- 2.30 It is the position of SJG that these criterion of **Draft Policy GP1 General Principles Planning Policy** fail to satisfy the tests of **C3 (Consistency)** and **CE4 (Coherence and Effectiveness)** in that the policy is not consistent with, nor does it incorporate, an appropriate



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degree of flexibility in line with the Strategic Planning Policy Statement ('SPPS') and Regional Development Strategy ('RDS').

- 2.31 To have a test of 'enhance' is considered too onerous and one which could unnecessarily prevent development that is otherwise acceptable and which respects both landscape character and biodiversity.
- 2.32 Whilst we understand that the SPPS seeks to provide policies which provide enhancement, it is noted that paragraph 6.170 of the SPPS refers to the RDS 2035, which provides regional guidance to conserve, protect and where possible enhance our natural environment. It recognises that effective care of the environment provides very real benefits in terms of improving health and well-being, promoting economic development and addressing social problems which result from a poor-quality environment. This relates directly to Policy RG 11 of the RDS 2035 which aims to: "**Conserve, protect and, where possible, enhance our built heritage and our natural environment**".
- 2.33 This clearly provides an element of flexibility for where enhancement is not possible.

**Recommendation**

- 2.34 It is respectfully suggested that the use of the words 'respect, protect and/or enhance' should be revisited or clarified to state 'respect, protect and, where possible, enhance'.
- 2.35 This proposed rewording would ensure better consistency with both the SPPS and RDS and also provide greater flexibility to this policy as part of the DPSD and allow for instances where enhancement is not possible. In doing so, SJG believe it would bring draft General Principles Planning Policy in line with soundness tests **C3 (Consistency)** and **CE4 (Coherence and Effectiveness)**.

**Section 9.0**

**Health Education and Community Uses (pages 93 to 96)**

**Draft Policy COY 1 – Community Uses**

- 2.36 **Draft Policy COY 1 – Community Uses** is provided within the DPSD to ensure that there is sufficient land to meet the anticipated needs of the community, in terms of health, education and other public facilities. It also allows community uses to be developed.

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- 2.37 SJG is currently pursuing a planning application under LA09/2020/0010/F for the provision of a creche facility on its frontage lands of zoning MA11 of the MAP. Such a use is a 'community use' as it falls under *Class D1 Community, Recreation and Culture* of **The Planning (Use Classes) Order (Northern Ireland) 2015 ('UCO 2015')**. This was part of pre-application discussions with MUDC under **H/2014/0397/PREAPP** in which the use of a creche facility in principle was deemed acceptable at a meeting with MUDC LPA on 5<sup>th</sup> June 2015 subject to meeting the tests of Policy COY1 of the MAP.
- 2.38 A planning application for the creche facility was submitted on 20<sup>th</sup> January 2020 and followed on from SJG concentrating on its own core business and the expansion thereof, including the delivery of the planning permission granted under **LA09/2015/1292/F** in July 2016 for proposed Joinery Workshop extension including Fabrication workshops, stores, offices and service areas. SJG is now able to move forward with this part of its frontage lands proposals.
- 2.39 The wording of ***Draft Policy COY 1 - Community Uses*** states:

***"Where necessary land will be reserved for community use either through a community zoning or a key site requirement on an opportunity site or other land use zoning as designated in the Local Policies Plan.***

***Proposals for the development of a community use elsewhere within a settlement shall accord with the plan provided:***

- (i) There is no significant detrimental effect on amenity;***
- (ii) It does not prejudice the comprehensive development of surrounding lands, particularly on zoned sites;***
- (iii) The proposals are in keeping with the size and character of the settlement and its surroundings;***
- (iv) Where necessary, additional infrastructure is provided by the developer; and***
- (v) There are satisfactory access, parking and sewage disposal arrangements.***

***In exceptional circumstances where there is no suitable land available in a village or small settlement then favourable consideration will be given to a community use associated with the settlement, on a site which is located next to the settlement limits or visually associated with it".***

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- 2.40 The wording is reflective of what was proposed within the MUDC POP and the existing Policy COY1 of the MAP.
- 2.41 SJG is supportive of this proposed draft policy and believes it provides adequate flexibility in order to assist in delivering needs of the community, in terms of health, education and other public facilities. It also does not preclude development of community uses on other sites within the SDL which are not specifically identified for such uses.
- 2.42 It also provides flexibility in terms of developing such uses on sites 'zoned' for other uses, but where it will not prejudice comprehensive development. This will clearly assist in realising SJG's ambitions for the creche facility on their MA11 lands and is welcomed by SJG.
- 2.43 As there is no change in the tests from Policy COY1 of the MAP to those in ***Draft Policy COY1*** of the DPSD, the proposal for the creche facility still remains entirely acceptable at this location. The ***Draft Policy COY1*** should therefore be carried over into any final adopted Plan Strategy Document.

**Section 10.0**

**Urban Design (pages 99-102)**

**Draft Policy UD1 – Urban Design**

- 2.44 ***Draft Policy UD1 – Urban Design*** sets out the main considerations that MUDC will take into account in assessing proposals for development within all settlements within the District.
- 2.45 Whilst the provision of an urban design policy is supported in broad terms, there are queries over the soundness of the policy in terms of **CE1 (Coherence and Effectiveness)** in relation to when a Design and Access Statement ('D&AS') is required to accompany a planning application.
- 2.46 ***Draft Policy UD1 – Urban Design*** states:

***"Development will need to be of a high standard to accord with the Plan. Developers will be expected to demonstrate where appropriate through a Design and Access Statement that the proposal respects:***

- ***the urban context taking into account any natural features of the landscape and the overall setting in which the development is introduced.***



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- *the best local traditions of form, materials and detailing to complement the urban grain and character of the settlement;*
- *the height, scale and form of surrounding buildings;*
- *the public realm, providing adequate public and private open space and landscaping and is designed to foster natural surveillance, promote personal safety and deter crime”.*

[our underlining emphasis]

2.47 The policy does not specifically identify when a D&AS will be necessary, nor does it clarify the term ‘where appropriate’ within the policy text box. Potentially, in reading ***Draft Policy UD1*** as it currently stands, it could be construed to only apply where a D&AS is required in line with legislation (i.e. for an application which is a major development; or where any part of the development is in a designated area, development consisting of – (i) the provision of one or more dwelling houses, or (ii) the provision of a building or buildings where the floor space created by the development is 100sq.metres or more).

2.48 The justification and amplification behind the policy does provide some clarification in that it specifies at paragraph 10.11 that a D&AS will be necessary to demonstrate that proposals of height over 3 storeys are of high-quality design and will enhance the area. However, paragraph 10.17 goes on to state:

***“Provided that the correct approach to design is followed the production of such a document is not considered to be onerous on the part of the applicant and the D&AS can be a useful tool in the determination process”***

2.49 This indicates that MUDC potentially see a D&AS being required in other instances, but does not indicate what these are.

2.50 The lack of clarity or coherence on the matter is further noted given that elsewhere in the DPSD at paragraph 7.38 it states:

***“In order to achieve quality residential developments, applicants will be encouraged to provide Design and Access Statements (D&AS) over and above what is required in legislation”.***

2.51 Here the DPSD indicates that a D&AS will be encouraged over and above what is required in legislation.

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2.52 In light of the above, it is unclear whether the DPSD aims to:

- encourage provision of a D&AS over and above what is required in legislation (as per its paragraph 7.38);
- specify specific instances in which a D&AS is required over and above what is required in legislation (*Draft Policy UD1* would allude to this, but does not ultimately confirm it);
- or specify that a D&AS is required for all forms of development?

2.53 This lack of clarity has implications in relation to what type of development *Draft Policy UD1 – Urban Design* will apply to, i.e. is it just applicable to development where a D&AS is required or applicable to all forms of development? Clearly there is a lack of coherence within the DPSD on this issue as it currently stands and as a result, cannot be considered to be sound.

**Recommendation**

2.54 The DPSD is inconsistent and unclear on when a D&AS will be required and in doing so the applicability of the proposed *Draft Policy UD1* is also unclear.

2.55 It is recommended that MUDC review its position in relation to D&AS's. Clarification and specific details must be provided on when and in relation to what types of development a D&AS will be required by MUDC. This detail must be provided as part of any final Policy UD1 and/or as part of the DPSD. In doing so **SJG** believe it would ensure the policy is in line with soundness test **CE1 (Coherence and Effectiveness)**.

**Section 12.0**

**Economic Development (pages 115 to 121)**

2.56 It is noted at paragraph 12.2, page 115 of the DPSD under 'Economic Development' that the majority of economic land will not be designated until the Local Policies Plan. Paragraph 12.10 page 116 indicates that MUDC's strategic approach to economic development is to provide approximately 170 hectares of economic land across the three hubs of Cookstown, Dungannon and Magherafelt at a variety of locations suitable for a mixture of uses. This will come in the



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form of an equitable split with each of the settlements benefitting from approximately 55-60 hectares each.

- 2.57 As we have commented above, at paragraphs 2.5 and 2.18, the DPSD indicates that no specific allocation of economic land is made to the two local towns, includes Maghera. In order to meet **SPF3** and to provide flexibility for Maghera to play its role in supporting the three main hubs of Cookstown, Dungannon and Magherafelt, SJG believes that Maghera must be supported and adequately catered for in terms of a specific allocation of economic land.
- 2.58 SJG's land, zoning MA11 in the MAP, remains extremely well placed to assist in providing future employment opportunities for Maghera and the wider MUDC area in the LDP. As such, the existing MA11 lands as zoned within the MAP must be protected and remain within the settlement development limit of Maghera in the new LDP.
- 2.59 To ensure protection of existing economic development land, such sites must be specifically identified for economic uses within the LDP as areas of existing industry. This is required in all cases and not just within the three main hubs.

**Draft Policy ECON1 - Economic Development in Settlements (page 117)**

- 2.60 **Draft Policy ECON1** relates to Economic Development in Settlements. It reflects Policy ECON 1 which was put forward in the MUDC POP paper and which was welcomed at POP stage by SJG.
- 2.61 The draft policy states:

***"Within towns, proposals for economic development on land zoned for such purposes will conform with the Plan, subject to meeting any Key Site Requirements. In all other cases, proposals will be determined on their individual merits.***

***Within villages and small settlements, proposals that are of an appropriate scale, nature and design such as compatibility with nearby residential use, will be given favourable consideration".***

- 2.62 Within the DPSD, **Draft Policy ECON 1** essentially replicates that proposed in the POP, but now includes a reference to subject to meeting any key site requirements ('KSRs').

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- 2.63 The suggested wording of **Draft Policy ECON 1** essentially replaces Policy PED1 of PPS4. We note that at paragraph 3.6 of the MUDC *'Economic Development Policy Review - February 2016'* paper it states that there was a: **"...desire to ensure that the plan allows for such development in settlements in a manner that is less prescriptive than PED1 currently is"**. We further note that at its paragraph 3.11 it states: **"Policy PED1 is very detailed and prescriptive policy when compared to the policy contained within the SPSS"**. Again, this desire for a more flexible approach is welcomed by SJG and appears to have been provided within the **Draft Policy ECON1**.
- 2.64 The future development of the MA11 lands, akin to the indicative masterplan at **Appendix 1**, can deliver on the DSPD objectives as set out at paragraphs 2.1 to 2.4 of this submission. In doing so, it is important that the correct economic development zonings (without KSR's specifying restrictive use classes) and a flexible planning policy approach to economic development and employment uses are delivered by MUDC as part of the LDP process.
- 2.65 Zoning MA11 of the MAP presently has a very restrictive KSR namely:
- "The site is to be used for light industrial use as defined in Class B2 of the Planning (Use Classes) Order 2004 [which is the same as Class B2 in the UCO 2015] and for no other type of industrial use"**.
- 2.66 Whilst at present the KSR would not prevent development of other economic uses or *sui generis* employment uses, such as a petrol filling station (as evidenced by the recent planning permission for same under **LA09/2019/1027/F**) or a community use such as a creche under the current MAP and prevailing regional policy PPS4/SPSS, it is still of particular concern to SJG. As such, SJG welcome the more flexible approach which has been provided with **Draft Policy ECON1** being brought forward in the DSPD.
- 2.67 Overall, SJG support **Draft Policy ECON1** as it will provide a more flexible approach to meeting the specific needs of the MUDC area. However, that flexibility must be borne through when considering zoned economic development and employment sites and the use of any KSR use class restrictions. We expand below.
- 2.68 Under Policy PED1 of PPS4, Use Class B1 (i.e. Use Classes B1(a), B1 (b) and B1(c)) could only be delivered within town centres or at a location specified for such use in a development plan. Policy PED1 went on to state that B1(b) and (B1(c) could also be delivered on existing or proposed economic development/employment land, but that Class B1(a) office use could only



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be permitted on an economic development/employment area when specified in the Development Plan. Thus, for Maghera, Class B1(a) uses could only be delivered within Maghera Town Centre, as no other areas were identified for Class B1 uses in the MAP and none of the proposed or existing economic development/employment land permitted such uses. This in our opinion was far too restrictive.

- 2.69 This restrictive nature of Policy PED1 appears to have been identified by MUDC given it proposes to change matters to improve and provide more flexibility and; hence, opportunity to deliver Class B1 uses within zoned economic development/employment land. Paragraph 3.12 of the review paper states:

***"Perhaps, given the projected downturn in manufacturing, greater flexibility can be given to the acceptability of these uses on zoned industrial land, where it would normally be expected that industry and manufacturing enterprises would be located. However, it is felt that this is something which can be achieved through the key site requirements for each industrial zoning because PPS 4 states B1 uses will be acceptable on zoned land "when specified in a development plan. and this is something that would be considered at the LPP stage".***

- 2.70 Such an approach is supported by paragraphs 6.85 and 6.95 of the SPPS.

- 2.71 With regard to Use Classes B2 Light Industry and Use Class B3 General Industrial, Policy PED1 states:

***"A development proposal for a Class B2 light industrial use or Class B3 general industrial use will be permitted in an area specifically allocated for such purposes in a development plan or in an existing industrial/employment area provided it is of a scale, nature and form appropriate to the location. Elsewhere in cities and towns such proposals will be determined on their individual merits"*** (page 16, PPS4).

- 2.72 In relation to Class B4 Storage or Distribution Use, Policy PED1 states:

***"A development proposal for a Class B4 storage or distribution use will be permitted in an area specifically allocated for such purposes in a development plan.***

***In addition, a Class B4 development will also be permitted in an existing or proposed industrial/employment area where it can be demonstrated: that the***

*proposal is compatible with the predominant industrial/employment use; it is of a scale, nature and form appropriate to the location; and provided approval will not lead to a significant diminution in the industrial/employment resource both in the locality and the plan area generally. Elsewhere in cities and towns such proposals will be determined on their individual merits”* (page 16-17, PPS4).

- 2.73 We note that at paragraph 3.7 of the 'MUDC Economic Development Policy Review - February 2016' paper it states: **"the policy within PPS4 was also considered quite restrictive in relation to storage and distribution development which was not considered to be necessary in the Mid Ulster context"**.
- 2.74 SJG therefore welcomes the **Draft Policy ECON 1** as a replacement for Policy PED1 of PPS4 . It will provide a much simpler and flexible planning policy for the MUDC area.
- 2.75 The **Draft Policy ECON 1** must therefore in our opinion be carried over into any final adopted Plan Strategy Document. SJGs land, zoning MA11 in the MAP remains extremely well placed to assist in providing future employment opportunities for Maghera and to accommodating uses that would be wholly appropriate under the proposed Draft Policy ECON1.

**Draft Policy ECON3 - Protection of Zoned Land and Existing Economic Development Sites (page 120)**

- 2.76 **Draft Policy ECON 3** relates to the protection of zoned land and existing economic development sites. It reflects Policy ECON 3 which was put forward in the MUDC POP paper, which was welcomed at that stage by SJG.
- 2.77 **Draft Policy ECON 3** states:

***"Proposals which will result in the loss of land zoned for economic development (existing or proposed) will not accord with the Plan unless it is demonstrated that there are important community and employment benefits. Elsewhere within the settlement, change of use of existing economic development land, or land last used for these purposes, may be permitted where there is no need to protect it for employment purposes and redevelopment of the land would result in environmental benefits"***.



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- 2.78 This is essentially a replacement policy proposal for the existing Policy PED7 – Retention of Zoned Land and Economic Development Uses of PPS4. It is welcomed by SJG as it is a much simpler and flexible policy, less restrictive than that found within PPS4 and is much more likely to assist in facilitating job creation.
- 2.79 In terms of compliance with **Draft Policy ECON3** there is no doubt that both the recently granted petrol filling station under LA09/2019/1027/F and the creche facility which SJG is pursuing under planning application LA09/2020/0010/F on the MA11 lands fully accord with the exceptions test of: **“unless it is demonstrated that there are important community and employment benefits”**.
- 2.80 Both will provide employment, thereby meeting the latter benefits test and both will also form and important community function for the people of Maghera and its hinterland.
- 2.81 The **Draft Policy ECON3** must, in our opinion, be carried over into any final adopted Plan Strategy Document.

**Section 13.0**

**Retailing, Offices and Town Centres (pages 123 to 139)**

- 2.82 Section 13.0 of the DPSD provides relevant strategy and policy for the MUDC area in relation to Retailing, Offices and Town Centres. We comment on its proposed **Draft Retail Policies RE3** and **RE4** below.

**Draft Policy RE3 – Retail and Main Town Centre Uses Outside of Town Centres (page 129)**

- 2.83 **Draft Policy RE3** relates to development within town centres.
- 2.84 The wording of **Draft Policy RE3** as proposed in the DPSD states:

***“Retail and town centre uses outside of town centres will only accord with the Plan where it has been demonstrated that there are no suitable sites available within the town centre. Favourable consideration will be given to edge of centre sites before out of centre locations. Development will only be permitted outside a town centre where there will be no significant impact on an existing centre and in the case of retail use, where a need has been established.*”**



*Any development over 100 sq. metres net floor area will require an assessment of available / alternative sites including any land at edge of centre locations as well as a justification in terms of the market they propose to serve.*

*Any development above 1000 sq. metres gross external area should be accompanied by a Retail Impact Assessment and Traffic Impact Assessment as well as an assessment of available / alternative sites within an existing centre or at edge of centre locations”.*

- 2.85 Whilst the provision of the policy is supported in broad terms, SJG query the soundness of the policy in terms of **CE1 (Coherence and Effectiveness)**. This query is in relation to the wording as set out in the policy box for Policy RE3 on page 129 of the DPSD and the lack of clarity over when an assessment of available/alternative sites is required and when an assessment of retail impact is required, particularly when reading between the first paragraph of the policy box and second and third paragraphs of the policy box.

**Recommendations**

- 2.86 It is recommended that MUDC review the wording of this policy in order to provide improved clarity and to clearly confirm the understanding that: the policy only requires an assessment of available/alternative sites for any retail development above 100sq. metres net outside of town centres; and that an assessment of retail impact is only required for any retail development above 1000 sq. metres gross external area outside of town centres. In doing so, **SJG** believe it would ensure the policy is in line with soundness test **CE1 (Coherence and Effectiveness)**.

**Draft Policy RE4 – Neighbourhood Shops (page 130)**

- 2.87 **Draft Policy RE4** relates to neighbourhood shops.

- 2.88 The wording of **Draft Policy RE4** as proposed in the DPSD states:

*“Within towns, suitably located neighbourhood shops will accord with the Plan providing the floor area does not exceed a net area of 100 sq. metres and it does not conflict with the character or amenities of a residential area. Such shops should normally be located within mixed use areas as opposed to a residential area”.*

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- 2.89 In its current form, SJG believe **Draft Policy RE4** does not provide enough flexibility to deal with and to safeguard existing neighbourhood shops and potential extensions and amendments to same. It is therefore considered to be unsound and fails test **CE4 (Coherence and Effectiveness)**.

**Recommendations**

- 2.90 It is suggested that **Draft Policy RE4** be reworded to include the text within square brackets:

***"Within towns, [proposals for new] suitably located neighbourhood shops will accord with the Plan providing the floor area does not exceed a net area of 100 sq. metres and it does not conflict with the character or amenities of a residential area. Such shops should normally be located within mixed use areas as opposed to a residential area.***

- 2.91 In making the suggested changes it will provide greater flexibility to safeguard existing established neighbourhood shops and to ensure that their expansion and continued operation is not unduly restricted. SJG believe in taking this approach to the draft policy, it would result in a policy which is in line with soundness test **CE4 (Coherence and Effectiveness)**.

**Section 22.0**

**Renewable Energy (pages 233 to 241)**

**Draft Policy RNW 1 – Renewable Energy (pages 235 to 236)**

- 2.92 **Draft Policy RNW1** relates to Renewable Energy and provides policy in respect of Wind Energy Development. At POP stage, a number of suggested amendments were made in relation to this policy regarding clarification on separation distances for single wind turbines.
- 2.93 The content of **Draft Policy RNW1** would appear to have been amended from that proposed at POP stage and there are now no requirements for a separation distance of 10 times rotor diameter to an occupied property with a minimum distance of not less than 500m for single wind turbines. In addition, the previous proposed policy requirement at POP stage in relation to the 15metre hub height of turbines and the principle of applicants having to demonstrate that owners within the specified separation distance are in support for the proposal has also been amended.

2.94 The justification and Amplification for ***Draft Policy RNW1*** now provides (page 237):

***"Accordingly, a minimum separation distance of 10 times rotor diameter or 10 times the height to the hub, whichever is the greater will be imposed in relation to all single wind turbines. Where these separation distances cannot be achieved it will be up to the applicant to demonstrate that visual dominance will not occur, taking into account, issues of topography vegetation and orientation of dwellings. It would also be beneficial for the applicant to demonstrate that residents are in support of the proposal".***

2.95 The proposed wording, while still imposing restrictions upon single wind turbines is more flexible in that it gives the opportunity for the applicant to demonstrate proposals are acceptable where the stipulated separation distances cannot be achieved; thereby not entirely ruling out such development. In addition, it is also noted that there is also scope for the applicant to demonstrate if residents are in support of the proposal. This however is no longer a requirement, but instead indicates that such evidence would be beneficial, where it can be provided.

2.96 This is a more realistic approach to this matter and is welcomed by SJG.

### **3.0 Conclusions**



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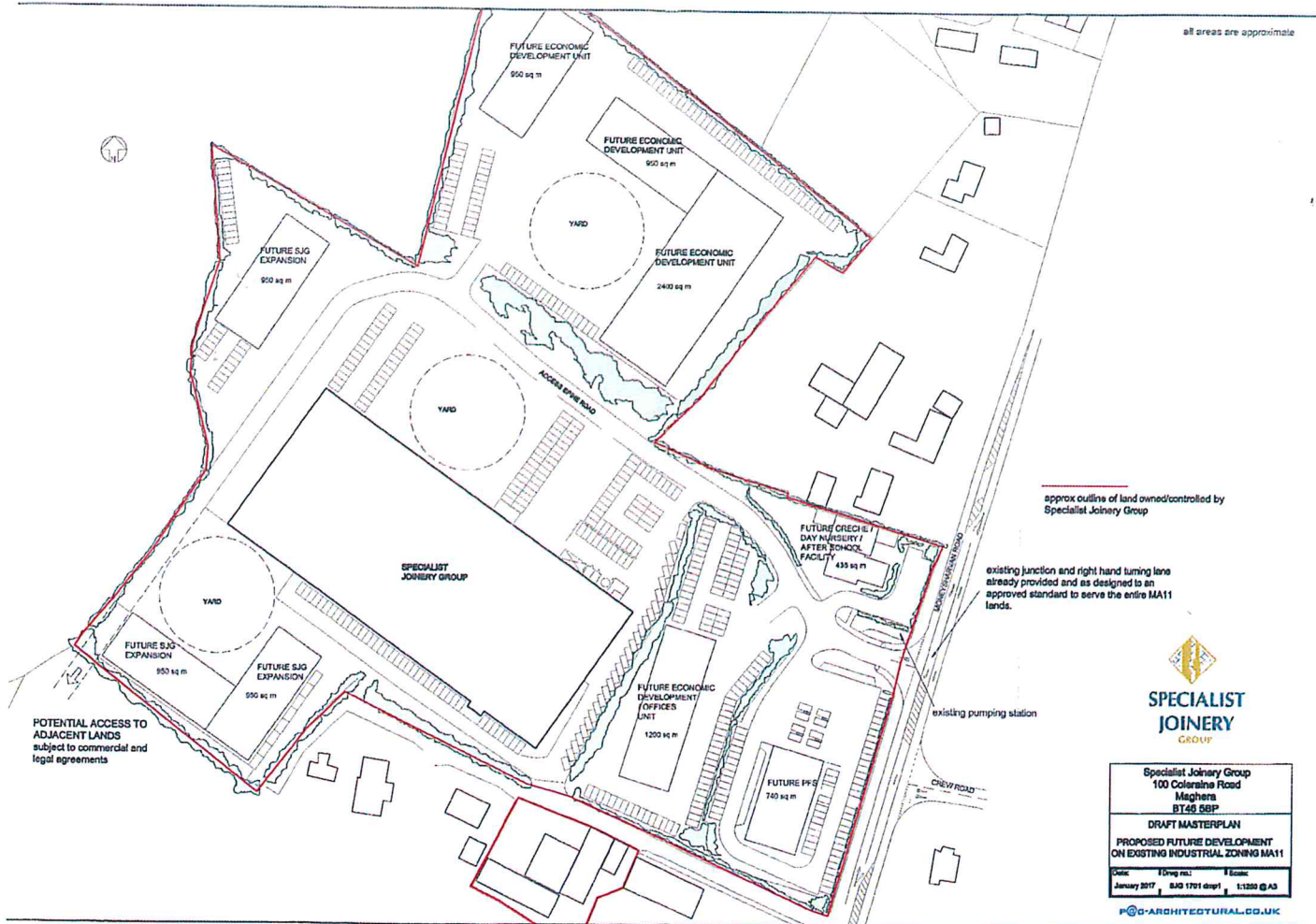
- 3.1 **Section 10(2) of the Planning Act (Northern Ireland) 2011** (the 'Act') advises that the Council must not submit a plan to the Department for independent examination unless: (a) it has complied with any relevant requirements contained in regulations under Part 10 of the Act and, (b) it thinks the document is ready for independent examination.
- 3.2 Whilst SJG are broadly supportive of the DPSD, given the issues set out within this submission and concerns regarding the 'soundness' of the DPSD it is requested MUDC does not submit the DPS to the Department in its current form.
- 3.3 The identified inconsistencies and clarifications required, in our opinion, prevent MUDC from delivering a sound and lawful Local Development Plan.
- 3.4 In accordance with **Section 10(7)** of the Act, should MUDC submit the DPS in its current form to the Department for an independent examination, we request that SJG are given the opportunity to appear before and be heard at the examination.

**Should you have any queries or require further information on the above please do not hesitate to contact us.**

**WYG Planning on behalf of SJG.**

**September 2020**

all areas are approximate



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DRAFT MASTERPLAN  
 PROPOSED FUTURE DEVELOPMENT  
 ON EXISTING INDUSTRIAL ZONING MA11

Date: 10/01/17 1:1250 @ A3  
 January 2017 840 1701 40up1 1:1250 @ A3

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