

Roisin McAllister

From: 2 Plan NI - Sheila Curtin <info@2planni.co.uk>
Sent: 24 September 2020 12:09
To: DevelopmentPlan@midulstercouncil.org
Subject: Draft Plan Strategy representation -Martin Cavanagh- Glen Settlement Limit
Attachments: Representation-Form-(extended-deadline).pdf; 2Plan NI -Martin Cavanagh. Glen.23.09.2020.pdf

Follow Up Flag: Follow up
Flag Status: Completed

To whom it may concern,
Please find attached completed representation form and accompanying representation document in relation to Martin Cavanagh -Glen Settlement limit.
I trust that this is in order, and would be obliged if you can confirm receipt of this email.

Kind Regards,
Sheila Curtin MRTPI

47 Lough Fea Road, Cookstown, Co Tyrone, BT80 9QL

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RTPI

Chartered Town Planner

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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 5pm on 24th September 2020 to:

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

Or by email to developmentplan@midulstercouncil.org

Please complete separate form for each representation.

SECTION A

1. Personal Details

Title

First Name

Last Name

Job Title (where relevant)

Organisation (where relevant)

2. Agent Details (if applicable)

Address Line 1	182 Glen Road	2Plan NI
Line 2	Maghera	47 Lough Fea Road
Line 3		Cookstown
Line 4		
Post Code	BT46 5JN	BT80 9QL
Telephone Number		
E-mail Address	<u>info@2planni.co.uk</u>	

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 SPF5 and
Growth Strategy -HGI Allocation Glen
- (iv) Policy _____
- (v) Proposals Map _____
- (vi) Site Location _____

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.

See attached statement

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 statement

(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 statement

(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:

23/09/2020

Representation to the Mid Ulster District Council's
Local Development Plan 2030
Draft Plan Strategy

2Plan NI

September 2020

By Email

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1. Introduction

2Plan NI wish to make the following submission on behalf of Mr. Martin Cavanagh in response to the Draft Plan Strategy (DPS). The representation considers the policies proposed within the Draft Plan and details areas where further work is considered necessary. The representation also provides a response as to whether various aspects of the draft plan meet the necessary soundness tests.

To ensure that this representation is set within the appropriate planning context, we have reviewed all legislative, regulative and policy requirements/guidance associated with preparing local development plans in Northern Ireland and all supporting documents associated with the DPS and the preferred Options Paper, which are relevant to the topics/policies which we make comment on.

Land within the ownership of our client lies out with the Development Limit of Glen. In the event that a representation is made contesting the inclusion of said lands and/or the policies associated with it, we will make a counter representation. For information purposes Image 1 below denotes the lands under the ownership of Mr. Cavanagh.

The representation is structured as follows:

- Section 2- Legislative and Procedural Context
- Section 3 -Policy Soundness and remedy measures.
- Conclusion

Image 1: For information purposes only, aerial image denoting lands within the ownership of Mr. Cavanagh, Glen Road, Maghera



2. Legislative and Procedural Context

Sections 6 (1) and (2) of the Planning Act (Northern Ireland) 2011 (the 2011 Act) set out that in Northern Ireland, the local development plan (LDP) for each of the 11 local authorities comprises a plan strategy (PS) and a local policies plan (LPP).

The PS represents the first formal stage of the two stage LDP process and Section 8(1) of the 2011 Act requires all Councils in Northern Ireland to prepare a PS for their districts.

In preparing its 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').

The keystone of the local development plan system is the principle of 'soundness'. Section 10(6) of the 2011 Act provides that the purpose of the Independent Examination (IE) is to determine, in respect of the development plan document:

- whether it satisfies the requirements of sections 7 and 8 or, as the case may be, sections 7 and 9, and any regulations under section 22 relating to the preparation of development plan documents; and
- whether it is sound.

Although not legislation, Development Plan Practice Note 6 sets out 3 main tests of soundness for Local Development Plans, with each test having a number of criteria, as follows:

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Procedural Tests

- P1 *Has the DPD been prepared in accordance with the council's timetable and the Statement of Community Involvement?*
- P2 *Has the council prepared its Preferred Options Paper and taken into account any representations made?*
- P3 *Has the DPD been subject to sustainability appraisal including Strategic Environmental Assessment?*
- P4 *Did the council comply with the regulations on the form and content of its DPD and procedure for preparing the DPD?*

Consistency Tests

- C1 *Did the council take account of the Regional Development Strategy?*
- C2 *Did the council take account of its Community Plan?*
- C3 *Did the council take account of policy and guidance issued by the Department?*
- C4 *Has the plan had regard to other relevant plans, policies and strategies relating to the council's district or to any adjoining council's district?*



Coherence and Effectiveness Tests

- CE1 *The DPD sets out a coherent strategy from which its policies and allocations logically flow and where cross boundary issues are relevant it is not in conflict with the DPDs of neighbouring councils;*
- CE2 *The strategy, policies and allocations are realistic and appropriate having considered the relevant alternatives and are founded on a robust evidence base;*
- CE3 *There are clear mechanisms for implementation and monitoring; and*
- CE4 *It is reasonably flexible to enable it to deal with changing circumstances.*



3. Policy soundness and remedy measures

In general we support the plan objectives as outlined in para 3.15 of the Draft Plan Strategy:

- *To build Cookstown, Dungannon and Magherafelt as economic and transportation hubs and as the main service centres for shops, leisure activities, public administrative and community services including health and education. These are the most populated places and the town centres are the most accessible locations for people to travel to including those without a car.*
- *To protect and consolidate the role of local towns and villages so that they act as local centres for shops and community services meeting the daily needs of their rural hinterlands.*
- *To provide for vital and vibrant rural communities whilst protecting the countryside in which they live by accommodating sustainable growth within the countryside proportionate to the extent of existing rural communities.*
- *To provide for 11,000 new homes by 2030 in a range of housing capable of meeting the needs of families, the elderly and disabled, and single people, at locations accessible to community services, leisure and recreational facilities, for those people with and without a car.*
- *To recognise the needs of both growing families and carers of the elderly and disabled by accommodating development which allows people to remain within their own communities and does not lead to significant harm to neighbours or the built and natural environment.*
- *To facilitate the development of new community facilities at locations accessible to the communities they serve, through a variety of modes of transportation in accordance with the community plan.*
- *To accommodate cultural differences in our communities whilst promoting “shared spaces” to bring people together with equality of opportunity.*

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We however feel that the associated policies contained within the Draft Plan Strategy fails the test for Soundness.

SPF 5 - Provide development opportunities within small settlements appropriate to their size and scale, allowing for single houses and small groups of houses;

Plan Para 4.28 -4.31 states:

4.28 In Mid Ulster a large number of small settlements are found at a variety of locations. They tend to comprise of individual houses or small groups of houses clustered around a focal point such as a shop, school or local enterprise. However they are not exhaustive of all the clusters that exist in the District.

4.29 These small settlements are not suited to large developments such as housing estate developments but are sustainable locations for people looking for individual dwellings or development of a small group of houses.

4.30 In order to provide a proportionate number of houses in line with the size of the small settlement we would expect that in the main these small settlements would only require a few dwellings, up to around a dozen, with the level of development being proportionate to the size of the settlement.

4.31 The same degree of flexibility will be applied to small settlements as to our villages.

We submit that SPF5 is unsound as it fails the following soundness test:

- Fails the Coherence and Effective Test – CE2

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Glen has been identified as a small settlement within the Draft Plan Strategy. Appendix 1 of the Draft Plan Strategy (Housing local Indicators and Economic Development Indicators over Plan Period 2015-2030) indicates that Glen will only be allocated land for the construction of 10 units between 2015 and 2030. This approach to housing allocation is taken from the existing split of households throughout the District, which is referred to as the 'fair share' approach in the Preferred Options Paper. We contend that this figure is wholly inadequate and does not reflect the settlements strategic location along the A6, and recent development within and adjacent to the settlement.

It is noted that the Draft Plan Strategy fails to recognise the role of small settlements within its plan objectives. Within the plan objectives, towns, villages are specified however designated small settlements are not mentioned within the plan objectives.

The Draft Plan seems to penalise settlements where there are well established community facilities and are attractive and popular residential locations. To restrict development within small settlements, especially settlements on key transport corridors would be unsound and is we contend not founded on a robust evidence base.

The position paper entitled 'Strategic Settlement Evaluation' published July 2015, concludes the following for the settlement of Glen:

- *Glen has a population of 132 equating to 47 households.*
- *Glen is a small settlement located immediately north of the A6 a protected route and key transport corridor between Belfast and Londonderry.*



- *There is a poor level of service provision within this primarily residential settlement. It does however include 2 Churches, a Primary School, a Car Sales Business and a Natural Well-Being Clinic. The Oakleaf Restaurant and Shop are located just outside the settlement at the other side of the A6. Maghera or Magherafelt would provide most services to meet the daily, weekly and more specific needs of residents.*
- *Located immediately adjacent the A6, Glen has access to a good transport network. A park and ride facility to Derry is located approx. 2km from the settlement. The Castledawson Roundabout is also close by, providing a park and ride facility to Belfast.*
- *A small watercourse to the North of the settlement susceptible to flooding may constrain future expansion to the north alongside a Local Landscape Policy Area (LLPA) designated to protect the local church and presbytery as well as the environs of Milltown Burn and the associated weir. The A6, a protected route and key transport corridor forms a physical barrier to the south*
- *Information contained in the housing allocation paper would suggest that there is a small need for additional housing in Glen up to 2030. However, given the availability of land within the settlement limit, it is unlikely that the settlement limit will need to be expanded to accommodate this need.*

The position paper entitled 'Strategic Settlement Evaluation' as quoted above is now over 5 years out of date, and substantial developments have occurred/been completed within and immediately adjacent to Glen. The Glen settlement Appraisal map contained within position paper 'Strategic Settlement Evaluation' fails to include the following developments which immediately about the settlement:

- Sperrin View Business Park
- The Oak Leaf restaurant and service station site
- Planning approval for 2 no. hotels/motel

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We acknowledge the considerable amount of work and the length of time it takes to get to this stage of the area plan, we question however the use of pre 2015 statistics to inform the plan. We note that Appendix 1 of the Draft Plan Strategy was based on NISRA household figures from September 2012, and the figure for committed units still to be developed and residual zoning figures are taken from April 2015 figures. We note also that the Mid Ulster Preferred Options Paper (November 2016) is based on Development Preparatory Papers published in 2015.

The use of outdated preparatory papers to inform the allocation of housing land significantly weakens the evidence base upon which they are used to inform. Policy SPF5 fails test CE2 as it is contended that the proposed policy is not appropriate given the outdated nature of the evidence base.

The allocation of only 10 housing units for the plan period up to 2030 is wholly inadequate for the settlement of Glen. This element of the draft Plan Strategy Policy SPF5 is also unsound and fails test CE2, as it fails to take adequate account of the settlements unique position, and also fails to take account of the substantial developments which have occurred within and immediately adjacent to Glen.

Remedy

We recommend that most up to date evidence is used to inform the Draft Plan Strategy. At a minimum, we request that the Council amend the Settlement Appraisal maps and Appendix 1 of the Draft Plan Strategy to reflect the most up to date situation on the ground.



We recommend that the HGI allocation to Glen is increased to reflect its unique position as a settlement, including its excellent transport links and the existing and approved commercial and industrial activities which provides services and employment to the local and wider communities.

We recommend that our clients lands as denoted in figure 1 above a considered for inclusion within the settlement limit of Glen to facilitate the HGI's allocation to Glen.

Conclusion

We trust that this representation is in order, and wish to acknowledge our intention to represent our clients with oral evidence at the Public Examination.

*Sheila Curtin, MRTPI PRINCIPAL 2PLAN NI
Chartered Planning & Engineering Consultancy*

