

**Sinead McEvoy**

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**From:** 2 Plan NI - Sheila Curtin <info@2planni.co.uk>  
**Sent:** 19 April 2019 10:15  
**To:** DevelopmentPlan@midulstercouncil.org  
**Subject:** Plan representation on behalf of Fr. Hughes Lissan/Churchtown.  
**Attachments:** Lissan 17.04.19.pdf; Representation-Lissan.pdf

Dear Area Plan Team,

Thank you for the opportunity to provide the attached representation on behalf of Fr. Hughes Lissan/Churchtown. in relation to the Mid Ulster Development Plan -Draft Plan Strategy.

Attached are two documents as follows:

- Completed Representation Form
- Accompanying Representation document

Kind Regards,

Sheila Curtin MRTPI

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

t: 028 8676 4492 | m: [REDACTED]

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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

Mid Ulster Development Plan 2030-Plan Strategy

**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  
(where relevant)

Organisation  
(where relevant)

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

Address Line 1	Lissan Parish 2 Tullynure Road Cookstown	47 Lough Fea Road Cookstown
Line 2		
Line 3		
Line 4		
Post Code	BT80 9XH	BT80 9QL
Telephone Number		028 8676 4492
E-mail Address	<u>info@2planni.co.uk</u>	

**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  | <u>Please see attached document in relation to Q3-Q6</u> |
| (ii) Objective                                       | _____  |
| (iii) Growth Strategy/<br>Spatial Planning Framework | _____  |
| (iv) Policy  | _____  |
| (v) Proposals Map                                    | _____  |
| (vi) Site Location                                   | _____  |

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

Sound		Unsound	
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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.pdf>).

Soundness Test No.

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:

*(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.

*(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:

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

On behalf of Fr. Patrick Hughes, Churchtown/Lissan Parish Lands.

April 2019

By Email

W: [www.2planni.co.uk](http://www.2planni.co.uk) E: [info@2planni.co.uk](mailto:info@2planni.co.uk)

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47 Lough Fea Road, Cookstown. BT80 9QL

M: 

## 1. Introduction

We act on behalf of Fr. Patrick Hughes, Lissan. We wish to make the following submission in response to the Draft Plan Strategy (DPS). This representation relates to the overarching Growth Strategy and the Spatial Planning Framework provided within the 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.

The representation is structured as follows:

- Section 2- Legislative and Procedural Context
- Section 3 -Soundness of Growth Strategy and Spatial Planning Framework

## 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:

### 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.*



## Growth Strategy and Spatial Planning Framework

### **SPF 4 - Maintain and consolidate the role of the villages as local service centres providing opportunity for housing, employment and leisure activities in keeping with the scale and character of individual settlements;**

In Paragraphs 4.25 -4.27 the Council discusses the role of Villages within the growth strategy. The Plan states that

*'Villages are also important service centres and thus are good locations for rural enterprise and small scale housing development. Again the villages are not seen as key service centres or locations in which to direct people used to living in the open countryside. Thus in the main growth in the villages will be proportionate to their current size and the level of services on offer' The plan further 'states that in the main the Council do not intend to reserve land for housing or economic development'.*

On behalf of Fr. Hughes we express serious concerns regarding SPF4 and the corresponding projected need for only 9 dwellings within the Plan period. When compared to other villages in the District this allocation seems inadequate to meet future demands. We note that Lissan/Churchtown contains a number of economic uses within the settlement, one of whom LCC Ltd, is a very large employer, and contributes significantly to the local, wider and international economy. However, the presence of such a large employer has not been recognised in the allocation of housing units to Lissan/Churchtown. Housing at this location adjacent to employment would be sustainable development in compliance with SPPS and RDS.

Appendix. 1 Housing local Indicators and Economic Development Local Indicators, provides a housing local indicator figure of only 9 units with no consideration or rating given to the level of services on offer as per the policy text.

### **Soundness**

Allocating a housing figure of 9 units to the settlement of Lissan/Churchtown based solely on the existing share of all households, without taking into consideration the services on offer, is contrary to the policy amplification text of SPF 4, and is not based on a robust evidence base. We submit therefore that SPF4 is unsound as it fails the following soundness test:

- Fails the Coherence and Effective Test - CE1
- Fails the Coherence and Effective Test – CE2

### **Remedy**

Revise housing local indicators for Villages in recognition of the services provided in conjunction to the percentage share of existing households.