

APPENDIX 1 – HOUSING SECTION

Q1 – Can the Council direct DfI to any submitted evidence clarifying why, despite being based on the now superseded 2012-based HGI, the draft housing requirement of 11,000 represents an equally robust approach to one based upon the more recently prepared 2016-based HGI

The revised HGIs were published in September 2019, approximately 7 months after the publication of the draft Plan Strategy. Given the relatively small adjustment to the Mid Ulster HGI, the revised indicators would result in no change to the status of any settlement within our settlement hierarchy in terms of housing requirements compared to existing commitments.

We note that when the revised HGIs were published, DfI clearly stated on the 25th September that the indicators did not forecast exactly what would happen and that they were policy neutral estimates. Given this and the minor nature of the change in the HGI for Mid Ulster, the Council took the view that the revised HGI's would not necessitate a change in the figure of 11,000 new homes contained within the draft Plan Strategy. This was laid out in a paper that was agreed by the Planning Committee on 30th October 2019. Paper is attached to this response.

Q2 - Where in the submitted evidence has the Council considered what residual housing need remains as of the date of submission once completions from 2015 – 2020 are taken into account?

The draft Plan Strategy considers housing need over the notional plan period 2015-2030 and also clearly shows residual zonings and permissions. The Housing monitor is updated regularly and the most recent report on the housing monitor was submitted as evidence in the Council's submission (MUDC 305). This clearly shows that the majority of settlements have no residual housing need and even in the hubs there is no significant housing need required in order to meet the need of 30-60% of new housing being located in these locations.

The most up to date housing monitor figures will be again provided prior to IE and will also form part of the monitoring process of the document.

Q3 - Can Council direct DfI to the 2016 'Housing Allocation' addendum referred to in the POP or any revisions or updates of the information presented in this Housing Allocation Paper?

The paper is attached with this paper. This paper informed the 11,000 figure for new housing which was included in the POP and was subsequently agreed by members on the 27th September 2016. This paper was not submitted and the most recent HGI which has been considered by Members in the paper referenced in the answer above and agreed by Committee on 30th October 2019.

Q4 - It would assist the Department's consideration if the Council can refer to the submitted evidence explaining the change in approach between the 2014 Housing Paper and the Draft Plan Strategy with regard to the 40% allowance to

the countryside within the context of the HGI figure? An explanation as to why the allowance to the countryside changed from being within the HGI to being outside it?

The POP put forward the case for a balanced approach in relation to housing local indicators (option 1) which identified that the amount of housing in the open countryside should not exceed 40%. In relation to additionally, this relates to the 3 hub settlements.

This has not changed, as per DFIs claims. The approach put forward in the DPS will allow the hubs to grow in line with existing commitments whilst allowing the rural population their fair share of opportunity.

Q5 - The Council acknowledges the relevance of implementation rates elsewhere in the submitted evidence and indicate that the rate is between 90-95%. As approvals do not equate to completed dwellings can the Council advise why these are considered to be a robust indicator of whether the 40% 'cap' is reached and a review initiated?

The Council has not proposed that the trigger for a review is as suggested by DFI in the above question i.e. that completions be the trigger for review.

The trigger for a review is whether the number of permissions granted exceeds a certain level, as outlined in para. 4.34 of the draft Strategy. The Plan is based on the figure of 11,000 new houses in total and therefore the figure to trigger a review is based on whether the projected rate of permissions will lead to exceeding 4,380 dwellings in the countryside. No reference is made to the trigger for a review being linked to the number of completions.

Q6 - Can the Council highlight where in the submitted evidence explanation is provided of how the Council intends to monitor and implement the 40% allowance in practice and how this may feature in any plan review?

The DPS clearly states that one of the measures used to monitor the objectives relating to the 40% of households in the countryside will be "the number of housing permissions in the countryside." Reserved Matters and Full Approvals will be counted when formulating projections based on past approval rates, in order to avoid double counting.

Q7 - From the above-mentioned figures it appears that the scope to further increase countryside approvals in order to achieve the Council's ambition of 40% of future housing growth is substantially less than the 1000 previously estimated by the Council. In view of this, has the Council provided evidence of why the proposed countryside policy relaxations remain an appropriate response to the gathered evidence?

DFI appear to be confused on this issue – both in terms of their understanding of the Councils approach to rural housing and of the numbers used to justify such.

The 40% of houses in the countryside is not a council "ambition," rather it is a recognition of the existing level of housing provision in the countryside and a figure

at which growth in the countryside would no longer be balanced and would herald the need for a review.

In relation to the figures for rural completions, the information provided in the Public Consultation Report (MUDC114) and referred to by DFI shows that between 2012-2019 the average amount of rural approvals was 246, similar to the 245 listed for 2012-2014 in Policy Review of Sustainable Development in the Countryside (MUDC 228). Given a 90% completion rate, this shows an average approval rate of 220 new houses in the countryside per year.

DFI seem to have, when reading MUDC 228, confused the approval rate with the expected number of dwellings to be completed.

Q8 – The evidence shows that existing countryside policies in PPS21 and the SPPS provide flexibility for approval rates to increase over time without the need for a relaxation of policies, could the Council direct DfI to the justification for the further relaxations proposed?

As outlined above, the average approval rate for 2012-2014 and 2012-2019 is very similar. There may well be specific years / periods where approval rates are higher but there is no validity in the claim that this is a result of planning policy. External market forces, such as availability of finance, prevailing economic conditions are all more likely to cause a rise in planning permissions over specific periods than for this to be the result of planning policy which remains unaltered over the same time period.

Q9 – As the number of countryside approvals can vary year-on-year, can the Council advise why its original estimate of a ‘requirement’ for 1000 additional dwellings was based upon only 2 years of approval data?

As set out above, the average approval rate of 245 dwellings per year is reflective of more than 2 years of approval data.

Q10 - Did the Council attempt to obtain information in relation to the number of single and replacement dwelling completions in the countryside of the district? If this is provided in the submitted evidence, can the Council direct the Department to this?

Evidence for the rate of completions is provided in submitted document MUDC 202. Approval rates are listed in table 23 and justification for completion rate is provided in para. 6.18

Q11 - Can Council clarify from within the submitted evidence the basis for identifying a range of housing growth between 30% - 60% of the HGI in respect of the main Hub and Local Hub settlements of Cookstown, Dungannon and Magherafelt?

The 60% target has regard to the recommendation in the RDS that 60% of new housing should be within settlement of a population of 5,000 or greater. Existing commitments show that there is enough land available to allow this target to be met.

The existing level of housing in these settlements is 27% and therefore the 30% figure represents a minimum quantum of housing which should be within the main

hubs. If this figure appears to not be being realised then further phase 2 land can be released (following a formal review) to enable more development to take place. The Department should take note that to date, the Council has not released phase 2 land as there is currently no need.

Q12 - Can the Council direct DfI to where, in the submitted evidence, the reasoning for the apparent change of approach to distributing the housing requirement is set out? (i.e. from the 'equitable split' favoured at POP stage to the approach eventually adopted in the draft Plan Strategy)

There has been no "change of approach" in relation to the equitable split. It is still being followed with the reality of existing commitments in the hub settlements being taken into consideration. To implement the original balanced approach would require revocation of permissions in hub settlements.

Q13 - Does the range of growth indicated to the hub settlements provide sufficient clarity and certainty on the amount of housing that will take place over the life time of the plan.

Yes.

The draft Plan Strategy stage of the Development Plan Process only sets out the indicators against which land is zoned. The final figures for housing will be derived via the Local Policies Plan. Based on current level of commitments in the Hubs, it is clear that housing need would not be a driver for zoning further land in these settlements.

Q14 - In order to assist in the Department's assessment of the submission can MUDC provide clarification as regards the 7% of the Housing Local Indicator not accounted for in allocation to settlements?

We assume that the "7%" referred to by the Department is arrived at by adding the 60% maximum indicator for the hub settlements to the 33% of the indicator for the rest of the settlements. This gives a total of 93% and therefore an implied shortfall of 7%. This is incorrect. In producing the local indicators, we have taken into account both the urban and rural area. 93% relates to maximum possible houses for hubs and settlements.

Q15 - Can the Council clarify the status of the Housing Local Indicators and further explain how existing commitments have been taken into account in the allocation of growth to settlements?

Local Housing Indicator table is a translation of the districts HGI. It gives a general indication of the level of housing which should be provided across our settlements. However, it does not represent either a cap or a minimum and for this reason it is called an indicator. In applying the indicator to the settlements, it is clear that for the vast majority, the indicator can be provided within the existing settlement limit. Those settlements where this is not the case (Swatragh for example) have been identified.

Assuming the adoption of the draft Plan Strategy in its current form, in accordance with the SCI, a call for sites will be for those settlements where a shortfall has been

identified. In the main, applying these indicators suggests that the existing Area Plans, in terms of settlement limits, are, in the main, fit for purpose until 2030.

Q16 - Can the Council clarify what evidence, other than a settlements existing share of the district's population, informed the HLI to settlements. In particular, can clarification be provided on whether the Strategic Settlement Evaluation, including assessment of environmental capacity, has influenced these choices?

Strategic settlement evaluations have been carried out for all settlements and these have been submitted as part of the evidence base. The strategic settlement evaluations included an assessment of the infrastructure and level of service provision available in each settlement. They were carried out with specific reference to the *Hierarchy of Settlements and Related Infrastructure Wheel* in the RDS.

Consideration was also given to the environmental capacity of each settlement in relation to constraints caused by flooding, environmental designations or heritage issues.

Following the strategic settlement evaluations, the settlements were assigned to categories within the settlement hierarchy and this determined the level of growth relative the HGI which were assigned to them in the Housing Local Indicator table.

Q17 - Can the Council explain the statements within the public consultation report that the LPP may facilitate a different level of growth from that indicated by the Housing Local Indicator in the draft PS? In light of the Planning Act 2011 which requires that the LPP is consistent with the PS (Section 9)

As already laid out, the Housing Local Indicator table is an indicator and not an allocation. MUDC do not know what the outcome of the LPP will be and therefore do not wish to prejudice it. However, it is clear that for a number of settlements, existing permissions already exceed the Housing Local Indicator. Individual representations will be submitted as part of the LPP process and whilst the Housing Local Indicator table may in some instances, indicate that a settlement does not require further growth, these representations may well offer logical solutions where a settlement can be expanded via rounding off for example. Therefore, the LPP may well produce outcomes in relation to individual settlements, which are different to the picture indicated in the Housing Local Indicator table. To rule out such an eventuality at this stage would be prejudicial.

Q18 - Completions in the main towns (based on recent completion rates) appear likely to be approximately equivalent to 27% of the planned housing requirement of 11,000. Therefore, are there any other measures, in addition to the possible release of more land, that the Council considered to increase the % share of the district wide housing need accommodated in the hubs?

Great care should be taken when considering urban completion rates. Implementation of approvals is dependent on external factors such as the housing market, the availability of finance and interest rates. None of these matters are in the control of the planning system. The draft Plan Strategy has clearly provided

opportunity for development within the hubs in order to allow sufficient development. The Councils strategy for growing the hubs involves not just simply housing growth but also involves economic and social growth. This is clearly demonstrated by SPF 2.

Q19 - Can the Council please explain the reason for the contrasting approach between Hubs and the Countryside where a 'shortfall' in approvals below 40% 'cap' of the HGI is presented as justifying numerous further policy relaxations there?

As mentioned above, the 30-60% target of new houses in hubs has been explained. The existing level of rural permissions under PPS 21 would not be sufficient to allow for the countryside to get 40% of the share of the HGI which is needed in order to ensure the level of rural housing provision stays at a current level and does not decline leading to the erosion of rural communities. The commitment to support the rural community which is very strong in Mid Ulster is in line with SPF 6 of the draft Strategy and also in keeping with SFG 13 which aims to "sustain the overall strength of the rural community living in.....the open countryside." It would not be possible to achieve this if the level of new housing in the countryside of Mid Ulster was not reflective of its current level.

Relaxations of rural policy have not been driven by any notion of a shortfall but rather by specific needs identified as part of consultation with stakeholders, such as the needs of our fishermen and the local business community. Consideration has also been given to the fact that Mid Ulster elected members feel that in order to keep farms and rural communities viable, greater attention needs to be given to the needs of rural carers and their families. It is essential to bear in mind that in all the scenarios referred to above, permissions will be subject to occupancy conditions and this will be a robust mechanism whereby the level of approvals is controlled.

Q20 - Can Council direct DfI to submitted evidence that further explains how the approach to the allocation of growth to the three main towns is in line with RDS regional policy objective of growing the population of the Hubs within the council area?

The draft Plan Strategy clearly shows that there is existing potential to grow the hubs by up to 60% of the HGI figure. This is in keeping with the RDS objectives and will also represent a doubling of the current level of housing located within the hubs of mid Ulster.

Q21 - Can the Council explain the phased approach to the release of housing zonings and how the high level of commitments outlined within the Draft Plan Strategy is consistent with the Councils approach?

Housing zonings are subject to different policies with just phase 1 being eligible for development, whilst phase 2 is protected from development except for a few specific criteria as set out in policy HOU1. It is envisaged that a change in phasing status of land can only occur following a policy review and this would involve the provisions set out in Part 2 of the Planning Act (Northern Ireland) 2011 – Section 13. If Council decided that a change was needed, such as the release of phase 2 land, we would

view this as a revision and therefore be subject to Section 14 of the Planning Act (Northern Ireland) 2011.

It is highly unlikely that there will be any release of phase 2 land within the plan period. The existing commitments do not include phase 2 land and therefore, it is envisaged that existing commitments can provide enough land to meet the required level of housing growth throughout the Plan Period. The notional end date of the plan period can herald a review whereby the need to release phase 2 land will be considered. However, phase 2 does provide an excellent indicator of future long term growth when planning roads and infrastructure.

Q22 - The Council identify the need for housing land to be identified as Phase 1 and Phase 2 respectively, however did the Council consider the need for a strategic policy relating to both housing and employment land that would align the release of both in accordance with need/infrastructure availability?

Yes we did and as a result we have the current approach involving phasing. We concluded that all land within phase 1 is available for development, having carried out consultation with statutory bodies. At Local Policies Plan we will look further at zonings and landowners have been advised that land could be de-zoned where there is no commitment to develop.

APPENDIX 2 – ECONOMIC DEVELOPMENT SECTION

Q1 - RDS (RG1) and the regional strategic objectives and policy of the SPPS (para 6.66 and 6.88) support economic development of an appropriate nature and scale however the aim is to direct new economic development opportunities to the Hubs or higher performing town/city and to limit, for rural amenity and wider sustainability objectives, the level of new building for economic development purposes outside of settlements. Can the Council direct the Department to evidence within the submission which outlines how draft policy ECON2 , is supportive of strategic guidance contained within the RDS and SPPS?

We would draw the Departments attention to the fact that the entirety of the 170 hectares of industrial land identified as being required throughout the Plan Period will be located within the main hub towns. Mid Ulster is a key driver in the economic performance of Northern Ireland with this being primarily driven by the agri food, quarrying and quarrying related sectors. A lot of that activity, especially the quarrying industry and its associated activity are located close to the source of their products and therefore, in the rural area.

There is no requirement for policies to be “supportive” of the RDS and SPPS. To do so would simply mean that local development plans should only exist to replicate policies contained in regional guidance. In accordance with Section 8 of the Planning Act (Northern Ireland) 2011, the draft Plan Strategy is required to “take account” of the RDS and any other policy put forward by the Department. It is therefore a moot point to ask the Council to provide evidence of how they are “supportive” of strategic guidance.

The draft Plan Strategy operates a presumption **against** economic development in the countryside and states that there are a limited number of scenarios when economic development in the countryside will be in conformity with the Plan. Where this is not the case, Planning Permission will be refused.

The SPPS specifically states that farm diversification, the reuse of rural buildings and appropriate redevelopment and expansion proposals for industrial and business purposes will normally offer the greatest scope for sustainable development and it recognises that such proposals may occasionally involve the construction of new buildings where they can be integrated in a satisfactory manner. These scenarios are all reflected in ECON 2.

In relation to new build economic development in the countryside, the scenarios described by the SPPS para. 6.88, namely a small scale new build on the edge of a settlement and major regionally important development, are also accounted for within ECON 2.

Para. 12.15 of the Justification for policy ECON 2 of the draft Plan Strategy states that the guiding principle for policies and proposals for economic development in the countryside is to facilitate proposals likely to benefit the rural economy and support rural communities, while protecting or enhancing rural character. This is directly in line with the approach set out in para. 6.87 of the SPPS.

Policy ECON 2 seeks to tailor the regional approach in order to recognise the unique economic circumstances of Mid Ulster where self-employment and rural economic enterprises are a common feature of the economic make-up of the district.

The desire to reflect this unique circumstance is one that was expressed by our elected members as laid out in the submitted evidence (MUDC 219) along with quantitative proof of how the existing approach to economic development in the countryside is producing a disproportionately low number of approvals for economic development in the countryside.

We therefore feel that the evidence for tailoring the rural policy in relation to economic development has been provided and supports the approach taken.

Q2 - Furthermore, in providing clarification, can the Council direct the Department to evidence within the submission outlining how the approach to new economic development in the countryside (ECON2) is supportive of the Council's own plan objectives including SPF2 (to focus growth within the three main towns/Hubs of Cookstown, Dungannon and Magherafelt) and SPF3 (to consolidate the role of Coalisland and Maghera as of the draft Plan Strategy)?

The Council do not agree with the Departments implied position that a policy which facilitates development within the countryside is not compatible with growth also being facilitated within the hubs and the local towns. As has already been stated, the approach to economic development in the countryside is in line with the SPPS and existing policy. The only additional in the draft Strategy's planning policy is in recognition of the strong entrepreneurial spirit in the district and the fact that many of our industries are 1 man operations and a policy has been introduced to allow people to work from home. Our only other policy additions are the introduction of RIPA designations, which aim to consolidate areas of existing industry and sites benefitting from major Planning Permissions.

MUDC 203 contains the rationale for the figure of 8,500 new jobs to be provided throughout the Plan Period and the associated requirement of 170 hectares of land.

MUDC 203 also states that it is inevitable that 170 hectares will be an over zoning but is needed to allow flexibility. Not all jobs created throughout the plan period will be provided on zoned land. The evidence provided in MUDC 203 shows an expected growth in the knowledge based industries and is obvious that these jobs are in all likelihood, not going to be located on zoned industrial land but elsewhere in settlements or edge of settlement locations.

The paper also acknowledges that some of the 8,500 new jobs will be provided in the rural area. As outlined above, the evidence shows the low rate of rural economic approvals being approved under existing economic policy and therefore justifies the policy which has been brought forward in the form of ECON 2.

Q3 - The council state that there is already a proliferation of existing rural enterprises meaning that in some locations 'it could be argued' that rural character has already been altered/undermined. Can the Council please

highlight what evidence within the updated Landscape Character Assessment Review has informed the Councils view in this regard which provides part of the justification for RIPA designation?

Reference has been made to the impact of industrial development on certain Landscape Character Areas within the Landscape Character Assessment.

For instance in relation to the Dungannon Drumlins and Hills LCA, which the Tullyvannon RIPA is proposed to be predominantly located within, the LCAR includes in its description of key landscape features, the description of the LCA as having areas which are affected by intrusive, industrial and commercial and housing development.

It is important to remember that LCAs do not reference specific localities such as the exact locations of where our RIPA designations are located.

Q4 - Can the Council clarify how the proposed extension of the industrial footprint at the proposed Tullyvannon RIPA is consistent with the stated purpose of RIPAs to consolidate existing industry?

Tullyvannon RIPA recognises the extent of existing industry and permissions with limited scope for expansion. The objective is to consolidate existing industry at this location. Consolidation is defined as making something stronger or solid or into a more effective entity.

Boundaries have been defined based on geographical features and the opportunities for expansion are limited; therefore helping to prevent further sprawl.

Q5 - Is the Council aware how many other locations within the MUDC district would meet the criteria for RIPA designation set out within the draft Plan Strategy at paragraph 4.37? Furthermore do the findings of the updated Landscape Character Assessment Review support the designation of the RIPAs generally?

The draft Plan Strategy only defined 2 RIPA designations. A third was considered at Creagh but was ruled out due to limited environmental capacity in s far as the area is a major area of floodrisk.

We have provided opportunities for other RIPAs to be suggested, based on a set of criteria. This will be a matter to be further considered as part of the Local Policies Plan. It is important to bear in mind that any such proposal will need to meet criteria set out in para. 4.37.

Q6 - In providing clarification, can MUDC direct the Department to any evidence within the submission which shows consideration by Council of the impact of any later projections?

The 2018 based projections were published in October 2019, after the publication of the draft Plan Strategy. The 2016 based population projections did not give a population figure for 2015, instead they start in 2016. The 2016 projections showed a severe fall in the 16-64 population of Mid Ulster by the year 2030. A fall of around 2,000 compared to a slight fall of around 200 for the previous corresponding set of

projections. These projections are forecasts only and do not offer any certainty as to what will transpire. These projected low population figures, which appeared to be largely linked to the unknown forecasts associated with the Brexit vote, if implemented would mean a reduction of around 1,500 in the number of jobs for Mid Ulster. This would be a fundamental change to the Plan and one which would be damaging to Mid Ulster and would have been based on forecasts which may or may not come true.

The most recent projections, which provided data for all years within the Plan Period was the 2014 based population projections and these were reflected in an addendum to Position Paper 3 (MUDC 236), showing the 8,500 figure for the number of new jobs to be created was still feasible.

It is important to remember that employment figures are not subject to any regional indicator and that the approach advocated in regional policy is to provide a choice and flexibility in relation availability of economic land (SPPS – Para. 6.92). It is felt that the figure of 8,500 new jobs as contained within the draft Plan Strategy does allow for this degree of flexibility and choice of sites and for those reasons, the approach is in keeping with the approach advocated by regional policy.

Q7 - Noting that the methodology will result in a degree of over-zoning did the council consider the application of a phased approach to the release of economic development land similar to the approach taken in respect of housing land?

The supply of economic land catered for within the draft Plan Strategy will create a choice and flexibility of land, which is in line with the requirements of regional policy. Therefore, we do not consider that a phased approach is beneficial.

Q8 - In providing clarification, can MUDC direct the Department to evidence within the submission showing consideration by the Council of how its approach to economic development in the countryside will promote economic development at the hubs, in line with SFG11 of the Regional Development Strategy?

This question is based on a false premise that economic development in the countryside automatically means that the objective of growing the hubs is unrecognisable. It fails to recognise that much of the industry in mid Ulster is linked to the primary sector, such as quarrying and the related quarry products sector and that such industries need to be located close to their primary products, which are almost exclusively located in the open countryside.

The draft Plan Strategy allows for limited expansion of existing enterprises; regionally significant proposals or where development is within an existing cluster of rural industry. This is in keeping with scenarios where development is deemed acceptable in the SPPS (Para. 6.87)

The notion that any new policy should prevent expansion in the countryside would be contrary to regional policy.

It should also be noted, that the Council expect the future growth of the hubs to involve an increasing number of jobs in the knowledge based industries and that this represents a different type of industrial growth from the traditional industries which are already prevalent in the countryside and which should be accommodated to grow and expand, in line with regional policy.

Q9 - In providing clarification, can MUDC direct the Department to evidence within the submission which shows consideration by Council as to reason for the change of approach between publication of the Draft Plan Strategy and subsequent Public Consultation Report for Coalisland and Maghera?

There has been no change in approach. There will be no allocation of the 170 hectares of economic land formally allocated to the local towns but that is not to say that land cannot be zoned in these towns.

The public consultation report at page 031 states that **in villages**, the Council will not zone land for economic purposes in order to provide flexibility. The paragraph in question clearly relates to villages and not local towns of Coalisland and Maghera.

There are references in the Public Consultation Report which appear, on face value, to suggest that economic land will not be be “reserved” in local towns and villages. The Council acknowledge this and have identified these references as human error on the part of the Author. It is apparent however, that where this form of words occurs, the Author is clearly referring to towns and villages as opposed to local towns. This is clear for instance on pages 035, 038 and page 072 where the language used shows that while there will be no land reserved in the settlements in question, exceptions may be made for rural enterprises within the settlement limits. This would clearly show that the author was mindful of smaller settlements which are more rural in nature, when writing this and not referring to larger local towns, some of which are actually classed officially as urban areas.

We would point out that page 072 clearly states that in relation to local towns;

therefore, while the logical location for providing industrial land is in the hubs, it is likely that local towns could also provide zoned land as established in the extant plans.

Q10 - In order to aid the Department’s consideration of the MUDC submission can Council, through directing DfI to evidence within the submission, demonstrate how it has taken account of any updated data sources to support its approach to employment and economic development, to that presented in the papers of 2015, 2016, 2018 and 2021 (as referred above)?

It is important to remember that employment figures are not subject to any regional indicator and that the approach advocated in regional policy is to provide a choice and flexibility in relation availability of economic land (SPPS – Para. 6.92). It is felt that the figure of 8,500 new jobs as contained within the draft Plan Strategy does allow for this degree of flexibility and choice of sites and for those reasons, the approach is in keeping with the approach advocated by regional policy.

Subsequent population projections show a forecast of a lower population at the end of 2030. The 2018 sub national population projections show mid Ulster with a population of 159,933 at the end of 2030/31. This is a 3% reduction from the 2014 projections which forecast a population of 165,063.

However, these are forecasts and do not provide any degree of certainty, particularly given the more noticeable difference in population projections put forward from 2016 onwards, which are as yet uncertain in terms of their accuracy. MUDC are of the belief that in order to ensure sufficient flexibility and choice, as stated in the SPPS, that the earlier population projections are the best vehicle to do this and ensure that sufficient land is available for economic development throughout the Plan Period.

APPENDIX 3 – RESIDENTIAL DEVELOPMENT IN THE COUNTRYSIDE

Q1 - In order to assist Departmental consideration of the MUDC submission, can Council please direct the Department to evidence which would provide clarification of the Council's adopted methodology in using full and reserved matters approvals in 2 years (2012 – 2014) only?

Full and Reserved Matters approvals are used in order to reduce the risk of double counting planning permissions. Reserved matters are used instead of outline permissions because they represent the outworking of an outline application. Full permissions are in the majority of cases, stand-alone applications which are not linked to a RM approval.

In relation to the 2012-2014 approval rates, it has been demonstrated above that this rate, whilst only for 2 years is very similar to the broader approval rate over the years 2012-2019.

Q2 - In order to facilitate Departmental consideration of the MUDC submission, can Council please direct the Department to evidence providing quantification of housing completions for this period?

The amount of housing completions has been based on a presumption of 90-95% completion rate and the rationale behind this is laid out in MUDC 202. This is an upper estimate and therefore the assumed approval rate is considered to be representative of the highest possible new dwellings being erected in the countryside under existing policy.

DFI may wish to check records of previous Departmental Development Plan Working Groups when it was generally accepted that the implementation rate of new approvals was around 90-95%. The Department also took the decision that it would no longer be economically viable to survey rural permissions for the purposes of ascertaining completion rates.

Q3 - In order to aid the Department's consideration of the MUDC submission can Council, through directing Dfl to evidence, demonstrate how the results of further field survey work undertaken by the council has helped support the proposed policy approach?

Fieldwork was an intrinsic component of the Councils LCA Review (MUDC 210). Data collection occurred in the field to help verify, add and refine information to the key characteristics and qualities of the appraisal of the desk based study. The field study enabled the attributes of the landscape to be assessed on location capturing aesthetic and perceptual qualities of each LCA. This fieldwork also included the noting of some of the key experiential qualities of each of the LCAs and there are numerous examples of this throughout the LCA Review.

The Landscape Character Assessment Review demonstrates the impact of a range of factors (one of which is "pressure for single dwellings") on the intrinsic value of each LCA. It concludes that in the years since the original NILCA 2000 was carried out; there have been no key intervening changes in the landscape, although certain mitigations can be taken to address smaller scale changes that have taken place.

The results of this field work and the subsequent findings are translated into the LCAR in the form of “action points” which relate to policy measures which can be implemented in the formulation of the draft Plan Strategy. Such measures include the need to control siting, design, appearance of rural houses.

Q4 - To aid the Department’s consideration of the MUDC submission can Council, through directing to the submitted evidence, demonstrate how this approach takes account of the regional strategic policy approach of the SPPS, which applies the general principal of clustering, consolidating and grouping to all development in the countryside (with limited exceptions in relation to Dwellings on Farms)?

We strongly refute the assertion by the Department that the draft Plan Strategy represents a “broad exception” to regional strategic policy. Our policies do indeed contain numerous references to the need to cluster with / have visual linkage with / be sited between, existing buildings or to re use / convert existing buildings. A cursory glance at policy CT2 is enough to confirm that this is a recurring theme throughout the policy and that is in line with SPPS para. 6.69.

CT1 states explicitly in its first criterion that all residential development in the countryside shall be required to “cluster, consolidate and group with existing buildings unless there are environmental or operational reasons where this is impracticable.”

The principle of there being an exception to the requirement to cluster new development with existing buildings is clearly already evident in existing policy CTY10 of PPS 21. This policy states that the requirement to cluster may be set aside if there is a potential risk to health and safety or if there are plans to expand the farm holding. The “environmental or operational reasons” which is contained within policy CT1 is a clear attempt to tie in with existing policy and this is further evident if one reads the justification at para. 8.15 of the draft Plan Strategy.

If the Department is suggesting that the exceptions of “environmental or operational reasons” are not appropriate, then it would appear that they are suggesting a further tightening of existing policy whereby these existing exceptions to policy are removed?

The Department in asking this very question, has itself acknowledged the existence of the exception to the requirement to cluster and therefore we feel that this question is illogical.

Q5 - In order to aid the Department’s consideration of the MUDC submission can Council, through directing DfI to submitted evidence, demonstrate how the above Council Statement is reflective of the SPPS regional approach?

The Department have emphasised the following quote from the DPS; “The SPPS clearly provides for housing in the countryside” and at the same time asks how the “above Council Statement is reflective of the SPPS approach.”

MUDC are baffled by this question insofar as the SPPS does clearly provide for housing in the countryside. Para. 6.73 of the SPPS sets out a range of scenarios

where housing in the countryside will be acceptable and all these are reflected in the draft Plan Strategy. Paragraphs 3.9 - 3.13 of MUDC 228 (**Policy Review – Sustainable Development in the Countryside**) clearly considers the provisions of the SPPS and how it relates to housing in the Countryside.

As always, we are of the opinion that the SPPS is not a document that Development Plans should simply replicate. In accordance with Section 8 of the Planning Act (Northern Ireland) 2011, the draft Plan Strategy is required to “take account” of the RDS and any other policy put forward by the Department.

Q6 - In order to facilitate Departmental consideration of the MUDC submission, can Council please direct the Department to evidence estimating the likely impact of additional opportunities under proposed policy CT2 in terms of the potential number of additional development opportunities in the countryside? Has the Council considered the impact of these measures in the context of the HGI 40% allowance in respect of residential development?

The only addition which we consider to be solidly quantifiable in relation to numbers of potential approvals is criteria (j) of policy CT2, which allows for permission within a specific part of the District, for holders of a commercial fishing license. This will be limited exclusively to those who hold the license in question and consideration of the numbers involved here has been provided in the Public Consultation Report (MUDC 114) – para. 4.13. These numbers have been obtained via consultation with the Lough Neagh Fisherman’s Co-Operative.

In relation to the other additional policy criteria, there is no way of knowing with any degree of overriding certainty, how many approvals will result, as a maximum figure. These are dependent on market forces such as availability of finance, interest rates and construction trends. It is for this reason that MUDC will monitor and review the draft Plan Strategy on a regular basis. In the same way, there is no one way of knowing future rates of approvals based on existing rural policy.

The additional policy mechanisms contained in CT 2 will all be subject to the limitation of occupancy conditions.

Q7 - In order to facilitate Departmental consideration of the MUDC submission, can Council please direct the Department to evidence explaining the basis for the policy wording and in particular if it has considered the extent to which policy criteria CT2(F) may compromise criteria CTY2(E)?

The two scenarios alluded to in the question relate to two separate scenarios so the Council do not accept the premise that one might compromise the other. Where a farm is established and viable then it can avail of a dwelling under criteria (e). Where a farm is not established and viable then it will be able to avail of a dwelling under criteria (f). Where an established and viable farm has had a dwelling approved in the last 10 years then it also can avail of criteria (f) provided that the dwelling is accommodated within a farm cluster.

This policy has been brought forward because members feel that given the large family size in Mid Ulster, greater opportunity should be provided for family members to live together.

The SPPS policy approach is to cluster, consolidate and group new development with existing established buildings. It provides examples of where LDPs should make provision for houses in the rural area; however, it does not say that these examples are the only scenarios where development can occur. Local Councils are entitled to tailor policy based on the views of members and the resident population of the district and this is what has happened in this instance.

Q8 - In order to facilitate Departmental consideration of the MUDC submission, can Council please direct the Department to evidence underpinning the inclusion of Policy CT2 (H) of the Draft Plan Strategy and how Council envisage the implementation, assessment and enforceability of this proposed policy?

The submitted evidence refers to the fact that around 10% of the population in Mid Ulster currently provide some sort of care. This has been referenced in MUDC 201 and MUDC 116 for example. The importance of unpaid care is an ever increasing issue and one which was the subject of a paper put to the NI ASSEMBLY (*Dr Raymond Russell - Background Information and Statistics on Carers in Northern Ireland – March 2017*).

This is only one example of changing societal trends which support this policy and which the Council was right to point out, have not been given proper consideration by the Department, in their critique of this policy.

There are clear trends showing an ageing population across the whole of Northern Ireland. Coupled with this are things such as the obvious crisis in social care and the governments clear focus on transforming care provision to include a move towards care being provided in domestic settings where possible (again, this is highlighted in the evidence base in MUDC 214).

The impact of the pandemic has heightened the trend of working from home to an extent where for most people the idea of working from home will now be a feature of their daily life, to some extent, for the near future. This is likely to increase the opportunities for care to be provided in domestic settings.

These are all examples of changing societal trends which the Department have not paid enough attention to in their criticism of this policy.

In relation to implementation, the policy will be implemented on the basis of the policy wording, like all planning policy. The policy wording has the control mechanism built into it, which only permits a new dwelling if it is in the form of an extension, physically attached to the existing building or a change of use from an existing building within the curtilage.

With regards to enforcement, enforcement action is possible in relation to attached occupancy conditions in the same way as enforcement action is possible for any breach of condition. Likewise, occupancy conditions will be viewed as a deterrent for

the subsequent sale of any permission in that banks / lenders will not lend money for the purchase of any site with an occupancy condition attached. Occupancy conditions will be used in the way advocated by CTY6 of PPS 21 in so it is strange that, given their existence within existing policy, The Department would seek to query if they are or are not enforceable.

Q9 - In order to facilitate Departmental consideration of the MUDC submission, can Council please direct the Department to evidence underpinning the need for the inclusion of Policy CT2 (H) of the Draft Plan Strategy and how Council envisage the implementation, assessment and enforceability this proposed policy?

This appears to be a duplication of Q8.

Please see response to Q8

Q10 - In order to facilitate Departmental consideration of the MUDC submission, can Council please direct the Department to evidence which outlines the operational requirements of the job that necessitate being located in the countryside adjacent to the Lough, as opposed to a nearby settlement for example?

This question appears to refer to the areas shaded blue on District Proposals Map 1e.

This line has been drawn based on postcodes to reflect the areas where fishermen who will benefit from the policy, live.

Mid Ulster District Council and its Members firmly believe that fishing is a primary industry in the same way as farming is. To not recognising fishermen and their requirement to live near their source of income, would be discriminatory and prejudicial against a distinct group who have for generations, contributed to the social and cultural makeup of the lough shore area.

Our Members, having expressed strong support for the inclusion of this policy in the draft Plan Strategy would expect the chance to articulate their views on this issue on behalf of their constituents, at an Independent Examination.

Q11 - In order to facilitate Departmental consideration of the MUDC submission, can Council please direct the Department to evidence in relation to the economic and social disadvantage that underpins their continued designation, and the identification of any new DRC designations that may be brought forward.

The indicators for levels of deprivation are published public information via the Northern Ireland Multiple Deprivation Measure 2017 (NIMDM2017). A cursory glance at these indicators will show that levels of deprivation in the SOAs located within the proposed DRCs are higher than the Northern Ireland average, in some cases significantly so.

For example, Dunnamore SOA which contains the majority of the Broughderg DRC is listed as the 271st most deprived SOA in Northern Ireland (out of 890) whilst being

the 6th most deprived in Northern Ireland in relation to access to services. Draperstown SOA which contains the proposed Sixtowns DRC is listed as the 389th most deprived SOA in Northern Ireland and also the 174th in relation access to services, whilst Swatragh SOA which contains the Carntogher DRC is 123rd in relation access to services.

Levels of income in these SOAs are also well below the “mid point” in relation to their rank in the list of all the SOAs in Northern Ireland (Swatragh – 389, Dunnamore – 222 and Drpaerstown – 214).

It is clear therefore, from the published, public evidence that the areas wherein the proposed DRCs are located are suffering from economic and social disadvantage.

However, we would point out that the levels of deprivation / social disadvantage are not the only tests for the introduction of DRCs. Whilst the SPPS is silent on the issue of DRCs, existing policy (PPS 21) recognises that DRCs do exist and sets out criteria for them at para. 4.6.

Our draft Strategy at para. 4.44 sets out the criteria for DRCs and these criteria are in line with the criteria set out in existing policy as well as with the criteria which is listed in SP5 of the Planning Strategy for Rural Northern Ireland.

We therefore feel that the continued designation of DRCs is justified and their designation has been based on tried and tested criteria and rationale.

APPENDIX 4 – LEGAL / PROCEDURAL COMPLAINT

Q1 - It appears that these documents may have been renumbered/reorganised after the Soundness Self-Assessment has been completed – can the council clarify?

The three instances alluded to by the Department prior to Q1 appear to be typing errors on behalf of the Council. The Council acknowledge these. However, it is clear from the text on each occasion as to what the documents referred to are. Despite the incorrect references to document numbers, the Department was still able to identify the correct document.

With such a large volume of text in this submission, human typing / referencing errors are almost inevitable. Indeed, the Department have made such mistakes in their clarification document as pointed out in Appendix 3 with the duplication of questions 8&9.

We do not feel that these mistakes are significant.

Q2 - Can the Council provide a copy of distribution lists to satisfy these regulations?

Yes – These lists change over time and accordingly were updated at each stage of the process ie. At REG 10, REG15 and REG 17.

Lists are attached in the form of spreadsheets to the covering email.

The contact lists for REG 10 and REG 15 are included in one spreadsheet each ie. A spreadsheet for contact list at the time of REG 10 and a corresponding one for REG 15.

The lists for REG 17 are attached separately with a spreadsheet being compiled for each “type” of consultation body e.g. “gas licensees”, “electricity licensees” “communications code,” “adjoining councils,” “NIHE,” “government departments,” “NI Water,” “Civil Aviation Authority” etc.

If the Department is still not satisfied, then individual copies of each correspondence to each “consultation body” can be forwarded for each of the consultation exercises at REG 10, REG 15 and REG 17 respectively.

Q3 – Can the Council provide clarification regarding this matter?

The draft Timetable was agreed by Council in March of 2016 and the timetable was submitted to the Department in the same month, following Council agreement.

The Department recommended some minor changes to the document via correspondence in April of 2016. The Council incorporated these changes and received the subsequent agreement from the Department in May of 2016. The changes to the timetable meant that instead of having seasons and specific quarters, the amended version had only seasons as indicative periods. Therefore, the period of the LDP had not actually changed.

The amended timetable was not presented to Council because it was considered, in conjunction with the Councils Solicitor, that these changes were so minor that they did not materially alter the version of the timetable that had already been agreed by Council.

Q4 - Can the Council confirm which publications the public notices were placed, and provide copies of those advertisements?

This question is confusing. The Department appears to take issue with the fact the local publications used by the Council have been altered throughout the process. There is nothing to prohibit the Council from doing this.

In relation to MUDC 406, The Department state that “*Generally, the adverts provided are from publications as specifically stated in the SCI. However, not all adverts (from the publications) have been provided.*”

The Department then specifically references the notices in the Mid Ulster Mail and Tyrone Courier relating to the publication of the Council Timetable and states “*the advertisements provided by the Council originate from neither of these publications*”. These notices have been provided at Appendix 27 of MUDC 406

MUDC 406 is a comprehensive document of over 600 pages containing copies of all public notices as attached appendices.

If the Department considers that certain Public Notices are not included then they should specify which ones are not included and the Council will produce those specific ones rather than produce documents, which have already been included in the submission.

Q5 - Can the Council confirm which publications the public notices were placed, and provide copies of those advertisements?

Again, a comprehensive list of public notices has been supplied to the Department in both MUDC 406 and MUDC 407. If the Department feel that, any are missing or incorrect then please advise the Council of the exact adverts / public notices that are missing and we will furnish them, as we do not feel it is appropriate to submit all notices and adverts for a second time.

In relation to this specific instance, the Department have implied that the Council have not complied with the relevant version of the SCI. They assert that we published adverts relating to the *revision* of the Timetable, in the Mid Ulster Mail and the Derry Post instead of the Mid Ulster Mail and the Tyrone Courier.

In fact, the SCI is silent on the subject of the *revision* of the timetable. It states that we must advertise in the Tyrone Courier and the Mid Ulster Mail when the Timetable is *published* which we did satisfactorily in May / June 2016 (see Appendix 27 of MUDC 406). In relation to subsequent revisions of the Timetable, the SCI places no obligation on the Council in terms of advertisements.

Therefore, the only obligation on the Council is that imposed upon them by Regulation 8(b) of The Planning (Local Development Plan) Regulations (Northern Ireland) 2015 i.e. that a local advertisement must be placed.

However, if it gives the Department comfort, we have attached the relevant adverts from the Tyrone Courier as well as the order sheet sent on behalf of the Council to have the advertisements placed in the Tyrone Courier as well as a range of additional papers.

Q6 - Would the Council be able to provide a copy of this advert from Mid Ulster Mail or provide clarification on this point?

The Department has quoted the SCI and specifically asked for the advertisements regarding the intention to publish the POP in the Mid Ulster Mail. These are included in the evidence base at Appendix 32 of MUDC 406.

We would point out that MUDC 406 relates to compliance with the SCI and MUDC 407 relates to compliance with the LDP Regulations.

Q7 - Is the Council able to confirm that public notices were placed in the remaining publications in accordance with the SCI in effect at that time?

Again, the Department are confusing the requirements to comply with The Planning (Local Development Plan) Regulations (Northern Ireland) 2015 and the requirements to comply with the Statement of Community Involvement. The required level of compliance with Regulation 15 has been demonstrated in MUDC 407 (see pages 10-13).

In relation to the SCI commitment to place a notice in the Mid Ulster Mail, The Tyrone Courier, Tyrone Times, Derry Post, Impartial Reporter and the Belfast Gazette. Copies of the advert placed in the Mid Ulster Mail, Tyrone Courier and the Belfast Gazette are included in Appendix 40 of MUDC 406.

Copies of the Derry Post adverts on the 19th and 26th February 2019 are attached along with this correspondence.

Copies of adverts placed in the Impartial Reporter on the 21st and 28th February 2019 have also been attached.

The Tyrone Times ceased to circulate in June 2019 and therefore records were not able to be obtained but attached is a copy of the order from for all adverts showing that the Tyrone Times was advertised in on the 19th and 26th February 2019 .

Q8 - Can the Council confirm if there were notices placed in any other publications, and if so, could copies of those advertisements be provided?

Mid Ulster Mail (12th & 19th March 2020) and Belfast Gazette (13th & 20th March 2020) advertisements have been supplied as part of the submission documents (Appendix 31 of MUDC 407).

Copies of the advertisements placed in the Tyrone Courier on 11th and 18th March 2020 are attached with this correspondence. Copies of the advertisements placed in the Derry Post on 10th and 17th March 2020 are attached also.

Copies of the advert placed in the Impartial Reporter on the 12th and 19th March 2020 have also been attached.

The Tyrone Times ceased to circulate in June 2019 but in lieu of this a copy was placed in the Dungannon Herald, even though this was not specified in the SCI and these adverts have been attached.

Q9 – Is the Council able to confirm that public notices were placed in the remaining publications in accordance with the SCI in effect at the time?

Yes. The Public Notices from the Tyrone Courier and the Belfast Gazette are provided in Appendix 37 of MUDC 407.

The Public Notices in the Mid Ulster Mail were ran on 12th and 19th June 2019. Copies have been attached.

The Public Notices in the Derry Post were ran on the 11th and 18th June 2019. Copies have been attached.

The Public Notices in the Tyrone Times were ran on the 11th June 2019 and 18th June 2019. The Tyrone Times ceased circulation in June of 2019 so copies are not available, however the order form showing all advertisements that were signed off (including the Tyrone Times) has been attached.

The Public Notices in the Impartial Reporter were ran on 13th and 20th June 2019. Copies have been attached.

Q10 – Can the Council provide a screenshot from the Council website (as has been provided for other iterations of the document) to demonstrate this?

The Council are unable to find a screenshot of the revised timetable on the Councils website.

However, as the Department has acknowledged, we have provided email confirmation from our communications team who administer the website that the revised timetable was placed on the Council website on 30th November 2018. We consider this is adequate confirmation that the revised timetable was indeed published on our website.

Communications have advised that it is not possible to retrieve historic pages from the website.

Q11 – Can the Council provide this evidence?

Screenshots are not available in relation to this and as pointed out above, it is not possible to retrieve these pages historically.

The Council can assure the Department that this regulation has been complied with as outlined in MUDC 407. We are aware that other Councils have offered similar evidence in terms of compliance with this regulation. For instance, in relation to their compliance with Regulation 19, Fermanagh and Omagh District Council have simply stated that;

19(1) A copy of all counter representations were made available for inspection during normal office hours at the Grange and Strule House Omagh and the Town Hall

Enniskillen from November 2019. They were also placed on the council website at this same time.

No screenshot was offered by Fermanagh and Omagh District Council in relation to this matter.